Bayerische StaatsBibliothek
Münchener DigitalisierungsZentrum Digitale Bibliothek

Lewis, George Cornewall,

A treatise on the methods of observation and reasoning in politics

Bd.: 2

London (1852)

Pol.g. 507 c-2
urn:nbn:de:bvb:12-bsb10769715-3

Gol. g. 507c
C2
Lewis

A TREATISE

ON

THE METHODS

OF

OBSERVATION AND REASONING

IN

POLITICS.

BY

GEORGE CORNEWALL LEWIS, ESQ.

IN TWO VOLUMES.

VOL. II.

<36615440970014

<36615440970014

Bayer. Staatsbibliothek

A TREATISE

ON

THE METHODS

OF

OBSERVATION AND REASONING

IN

POLITICS.

BY

GEORGE CORNEWALL LEWIS, ESQ.

IN TWO VOLUMES.

VOL. II.

LONDON:
JOHN W. PARKER AND SON, WEST STRAND.
MDCCCLII.

R

BIBLIOTHECA
REGIA
MONACENSIS.

LONDON:
SAVILL AND EDWARDS, PRINTERS, CHANDOS STREET,
COVENT GARDEN.

CONTENTS.

CHAPTER XIII.

On the Determination of the Hypothetical Effects of a Political Cause.

§ 1 General hypothetical effects p. 1
2 Special hypothetical effects. Method of determining the effects of a proposed law 2
3 Extent to which the effects of a proposed law can be calculated 8
4 Means of counteracting the probable impediments to a proposed law 11

CHAPTER XIV.

On the Continuing Operation of Causes in Politics.

§ 1 Meaning of the cessation of a cause 15
2 In politics, effects generally outlast their original cause . . . 16
3 Question whether a law ceases with the cessation of its cause . 18

CHAPTER XV.

On Political Theory, and the Universality of Propositions respecting Political Causation.

§ 1 Mode of investigating the general problem of causation in politics 20
2 Universal propositions can be laid down in positive politics . . 25
3 Principles of universal jurisprudence, how far they can be called universal 27
4 Universal principles of human nature ; their limits. 38
5 Universal propositions respecting political power 46

§ 6 Universal propositions respecting forms of government. Examples of the mode in which the subject has been treated p. 49
7 Analysis of the method of constructing universal propositions respecting the tendency of the forms of government . . . 60
8 Method of investigating the general characteristics of monarchical or despotic, as distinguished from free or republican government 70
9 Method of investigating the general characteristics of aristocracy and democracy; meaning of the 'entire community' 78
10 Average results respecting forms of government are attainable 84
11 Distinction between an inquiry into the characteristics of each form of government, and the problem of the best form of government 85
12 General propositions as to other political relations 86

CHAPTER XVI.

On Partial Theories, or Principles of Limited Causation, in Politics.

§ 1 True general propositions respecting political causes can be more easily laid down, if they are confined to a certain set of communities 87
2 Such limitations ought to be made expressly 88
3 Classification of communities. I. Savage and wandering tribes; II. Oriental; III. European. Characteristics of the two latter classes illustrated 90
4 Similar characteristics for other classes of communities . . . 106
5 National character. 108
6 Results of the observation of national character; formation of limited theories and limited maxims 112

CHAPTER XVII.

On Hypotheses in Politics.

§ 1 Different sorts of hypotheses used in politics 117
2 Hypotheses are arbitrary 121
3 Hypotheses imply uncertainty 122
4 Special hypotheses imply possibility, but general ones do not . 123

CHAPTER XVIII.

On the Existence of a Science of Politics.

§ 1 Positive politics possess the scientific character p. 125
2 Speculative politics admit, though in a less degree, of general scientific expression 127
3 The necessity of local and temporary limitations in politics does not deprive the subject of a scientific character . . . 127
4 Constantly recurring necessity of new inductions in politics . 130
5 Science of legislation; meaning of the phrase 131
6 Law of nature; its supposed universality; opposition between nature and institution 133
7 Resemblance of political institutions in different countries explained . 139

CHAPTER XIX.

On the Art of Politics, and the Formation of Political Precepts.

§ 1 Different sorts of arts 141
2 Relation of art to science 144
3 Relation of art to nature 150
4 An empirical art of politics has existed since the existence of government 151
5 Speculative writers on politics have treated the subject partly as an art, and partly as a science 152
6 The precepts of political art are general 155
7 In order to convert political theorems into general precepts, the end must be given 156
8 Political apophthegms, preceptive in substance, but not in form . 157
9 Two classes of political maxims — I. Maxims of policy; II. Maxims of legislation 159
10 Limited political maxims 161
11 Other modes of guiding conduct employed in political art . . 161

CHAPTER XX.

On the Application of Political Theories and Maxims in Practice.

§ 1 Conversion of political theorems into maxims; importance of distinguishing between a false theory and an unsound maxim . p. 163
2 Form of the argument in politics when a maxim is applied to a practical case 165
3 Allowance must be made for disturbing causes in the practical application of general maxims—first, for those arising from internal variations in the subject itself 166
4 Secondly, for those arising from external causes; external retarding causes 171
5 Meaning of the dictum, 'True in theory, false in practice' . . 172
6 Manner in which general maxims are circumscribed with reference to actual cases 175
7 Meaning of the dictum that a case must be decided on its own merits . 177
8 External accelerating causes 177
9 Constant counteraction of habit, with respect to political changes; nature and operation of habit in politics 179
10 Modification of universal theorems by theories of limited application 200
11 Distinction between unsound or inapplicable maxims and false theories . 200

CHAPTER XXI.

On Practical Examples and Real Models in Politics.

§ 1 Imitation of real and ideal models 203
2 The unsoundness of theory engenders a preference for the direct argument from experience; distinction between the Dogmatici and Empirici 203
3 Mode of arguing from precedents or real examples in politics . 208
4 Precedents are usually adduced without the principle which they involve 211
5 Importance of precedents in practice 213
6 Rules as to the selection and application of precedents . . . 215

§ 7 Practical examples may be affirmative or negative . . . p. 219
8 Advantage of real models 220
9 Good political institutions are generalized by being treated as real models 221
10 Distinction between the cases in politics where a real model can be multiplied by imitations, and those which require a measure peculiar to themselves 223
11 Tendency to idealize real models in former states of society . 226
12 Differences between the practical argument from a single example and that founded on a general maxim 231

CHAPTER XXII.

On Ideal Models in Politics.

§ 1 Characteristics of an ideal model 236
2 Analogy between ideals in politics and ideals in the useful arts 237
3 A political ideal is not founded on real data 241
4 Ideal models may be faultless 241
5 Ideal models belong to the constructive department of politics 242
6 Examples of ideal models of a perfect state 243
7 The plan of Hippodamus of Miletus 243
8 The speculations of Socrates 244
9 The *Cyropædia* of Xenophon 245
10 The *Republic* and *Laws* of Plato 246
11 The plan of the best constitution in the Politics of Aristotle . 254
12 The ideal model of Zeno 258
13 The *Republic* and *Laws* of Cicero 258
14 Imaginary communities in antiquity 263
15 The *Utopia* of Sir Thomas More, and the *New Atlantis* of Lord Bacon 265
16 The *Civitas Solis* of Campanella 268
17 The *Oceana* of Harrington 269
18 The *Mundus alter et idem* of Bishop Hall; *The History of the Sevarambians; The Aventures de Jaques Sadeur* . . . 270
19 Descriptions of a happy people in *Télémaque*, in *The Voyages de Cyrus* and *Sethos*, in the *Lettres Persanes*, and in *Gaudentio di Lucca. Klimii Iter Subterraneum* 272
20 Notions of the ancients respecting a golden age, and the primitive state of mankind 274
21 Connexion between the conception of a golden age and the ideal commonwealths 277

§ 22 Limited political ideals; perpetual peace p. 283
23 Fichte's *Geschlossener Handelsstaat*, or Perfect Commercial State; the Catholic and the Invisible church 287
24 Utility of ideal models in politics; all political improvements imply an ideal conception 288
25 Conditions for the advantageous use of ideal models—first, the model must admit of imitation 293
26 Secondly, the model must not imply conditions unsuitable to the case in hand; ideal states always imply impossible conditions . 296
27 Ideal plans of a best possible commonwealth imply a denial of the progressive character of society 301
28 Descriptions of imaginary governments afford facilities for the expression of opinion 301
29 Distinction between ideal perfect states and ideal institutions; inquiry into the possibility of determining the best form of any political institution 302
30 Nature of the problem of the best form of government . . . 307

CHAPTER XXIII.

On Political Conduct.

§ 1 Political action consists in the choice of alternatives 310
2 The alternatives may be prescribed by law, or by moral necessity . 310
3 The alternatives may be practically unlimited 312
4 Deliberation consists in the comparison of alternative courses . 312
5 Analogy between public and solitary deliberation 315
6 Alternative courses often consist of two extremes and a mean; prevalence of compromises in politics 317
7 The easiest alternative is often preferred 320
8 The choice of alternatives is often determined by the probable conduct of another party 321
9 Connexion of political conduct with the question of freedom and necessity 322
10 Nature of political liberty 323

CHAPTER XXIV.

Upon Prediction in Politics.

§ 1 All political practice concerns the future p. 327
2 Comparison between the powers of prediction in the physical and the moral sciences 328
3 Prediction in those branches of physics whose phenomena are not periodical 329
4 Prediction in geology, mineralogy, and geography 333
5 In the vegetable and mineral kingdoms 334
6 In human physiology 335
7 In astronomy, meteorology, and the science of the tides. . . 337
8 Prediction in the sciences relating to man as a rational being . 343
9 In metaphysics 344
10 In logic and philology 344
11 In esthetics 346
12 In ethics 346
13 Prediction in positive politics 348
14 Prediction in history 349
15 Prediction in speculative politics 350
16 Prediction in practical politics 353
17 Causes of the difficulty of prediction in practical physics and politics 355
18 Uncertainty of political predictions 358
19 Uncertainty of predictions in other departments of practice . 364
20 Results of the chapter 366

CHAPTER XXV.

On the Fallibility of Political Practice, and its Causes.

§ 1 Causes of error in political practice 369
2 Unsoundness of the maxim 369
3 Inapplicability of the maxim to the case 376
4 Choice of a bad precedent 379
5 Misapplication of a good precedent 380
6 Imperfect knowledge of the facts of the case 385
7 Ambiguity of terms 387
8 Necessity of supposing a greater simplicity than exists in reality 388

CHAPTER XXVI.

On the Securities against the Fallibility of Political Practice.

§ 1 The practical politician ought to consider how far his problem is dependent on the conduct of other men p. 390
2 And how far on physical causes 392
3 Chance is an element in the problem of practical politics . . 395
4 In practical politics, it rarely happens that the choice lies between an absolutely right and an absolutely wrong course 396
5 The problem of practical politics is always individual 397
6 Qualifications of a practical politician 399
7 Analogies between practical politics and practical medicine . . 403

CHAPTER XXVII.

On Political Progress.

§ 1 Nature and causes of political progress. 409
2 Mode of investigating the problem of progressive civilization . 410
3 How far the origins of civilization can be ascertained; conjectural history 411
4 The elements of the progress of mankind may be distributed into four series—I. Politics; II. Religion and ethics; III. Science and the useful arts; IV. the fine arts and literature . 417
5 Progress of mankind in politics illustrated. 418
6 In religion and ethics 419
7 In science and the useful arts 422
8 In the fine arts and literature 426
9 The general progress of improvement in each of these series constitutes the advance of civilization 429
10 Civilization is confined to the highly endowed races 430
11 Change in the proportionate rate of progress in some countries as compared with others 436
12 The progress of civilization cannot be treated as an abstract problem, or with reference to all mankind 437
13 Supposed analogy between the life of a man and the life of a community 438

§14 Theories of a cyclical change and of degeneracy in human affairs . p. 441
15 Tendency to further improvement in the most highly civilized nations . 449
16 The means of ulterior political improvement fall into two classes, viz.—I. Internal and domestic ; II. International . 452

INDEX . 455

Bayerische
Staatsbibliothek
München

ON

THE METHODS OF OBSERVATION AND REASONING IN POLITICS.

CHAPTER XIII.

ON THE DETERMINATION OF THE HYPOTHETICAL EFFECTS OF A POLITICAL CAUSE.

§ 1 AFTER the examination in the preceding chapter, it remains for us to inquire into the method of determining the hypothetical effects of a given political cause, either generally, or in some supposed special case. The previous inquiry concerns effects as they have actually occurred; that on which we are about to enter concerns only supposed or calculated effects.

The *general* case of this problem is similar to the corresponding case in the determination of causes from effects, already adverted to.(1) It requires, for example, that an answer be given to such questions as the following: 'What effects does a monarchical, an aristocratic, or a democratic government produce? What are the consequences of capital punishment, of transportation, of imprisonment? What are the effects of direct, and what of indirect taxation? What are the effects of universal suffrage, of a censorship of the press, of liberty of the press, of a military conscription?' If an answer can be given to each of these questions, it must be general in its terms—it must be devoid of any limitation as to time, but must apply equally to the past and the future. For the present, we must be contented

(1) Above, ch. xi.

with indicating the nature of the general problem of hypothetical effects, and must reserve the investigation of its solution until we arrive at the subject of political theory.(2)

§ 2 The *special* case of the hypothetical problem in question is, when it is proposed to determine the effects which a certain supposed political measure would probably hereafter produce in a certain country, and with reference to a defined set of circumstances.

This problem may relate to the probable future operation, either of a law already in force, or of a mere legislative scheme, to which it is proposed to give the force of law.

The first of these cases is in general so much easier of solution than the second, that it need not be considered separately. When a law has been for some time in force, we are assisted by the light of experience in estimating its future effects. If the medium in which it operates is likely to remain unchanged, the effects of the law may be expected to remain unchanged likewise. If, on the other hand, that medium is about to undergo a change, the probable effects of the law, in the midst of a new set of circumstances, must be determined by a process similar to that adopted for determining the probable effects of a proposed law, except so far as the analogy of its prior effects, as they have actually occurred, may facilitate the process of reasoning, and afford firmer resting-places for conjecture. A law which is in force in one country, and which it is proposed to extend to another country, properly belongs to the second case of the problem. With respect to the country into which it is to be introduced, it is altogether a new and untried law.(3)

Confining our attention, therefore, to a new legislative plan proposed for adoption, let us first consider the process by which the draft of a law is framed. The end in view, positive or negative, being given, the framer of the law sets about considering what are the proper means within the reach of the legislature

(2) Below, ch. xv.

(3) See Bentham, *Traités de Legislation,* tom. iii. p. 356: 'Maximes relatives à la Manière de transplanter les Lois.'

for its attainment. Having devised these means, he adapts them to his purpose, by imagining all the different contingencies which are likely to arise, and by providing against these contingencies by suitable regulations. For example, if the draftsman is framing a law for the prevention of theft, he will provide for theft within a house, and in the open air; if within a house, whether by breaking into the house or not, and whether by day or by night. He will provide for theft from the person with violence, and for theft from the person without violence; for theft involving a breach of trust, and so on.

All written instruments intended to have a binding force, whether public, such as laws and treaties, or private, such as deeds and wills, are framed in this manner. Thus, in a settlement of property, all possible contingencies which can befal a certain family are provided for, as that *A* survives *B;* that *B* survives *A;* that *A* dies leaving male issue; that he dies leaving only female issue; that he dies without issue, &c.

Now, in seeking to predict the effects of a proposed law, we put a certain construction upon its provisions, and thus determine the classes of persons or acts which will fall within them. The rules for the interpretation of written laws, which properly belong to the science of jurisprudence, and to the positive law of each country, are thus called in aid for the purpose of legislative prediction.

The rules according to which the written laws are interpreted by the tribunals of the country—whatever they may be—are the rules which should be applied to the construction of projects of law, and to the determination of their probable effects when enforced in practice. Accordingly, the attempt to anticipate the future effects of a legislative proposal, assumes the existence of fixed rules of interpretation for written laws, and of regular judicatories and other executive officers for their enforcement. A similar remark applies to treaties and other compacts between nations. Unless some customary rules of interpretation, as sanctioned by international law, are recognised by each of the

contracting parties, discussion of the terms to be agreed upon between them would be a mere waste of words. When, however, the meaning of those terms in an existing treaty is disputed, there is no authoritative tribunal by which the controversy can be decided.(4)

Taking, then, as our basis, the existence of a fixed system of interpretation for written laws, the method which is adopted for arguing upon the probable effects of a proposed legislative measure is to imagine hypothetical cases, in order to try its provisions, by considering how they would bear upon such a case if it actually occurred. This is generally expressed by the phrase, 'putting a case.' The problem is stated in this form: 'What would be the operation of the proposed law in such or such a case?' In fact, the discussion of a proposed law is a development of the process adopted by the draftsman in its preparation.

In the attempts which are made to solve this problem, questions usually arise as to the manner in which a certain hypothetical case would be affected by the proposed law. These questions (as we have already explained) can only be determined by applying to the proposed law the received rules of judicial interpretation; by treating the proposed law as if it were already in force, and the hypothetical case as if it had actually occurred, and by reasoning accordingly. When this question has been settled, it remains to be decided whether the law producing such an effect, in such a case, is expedient or inexpedient. The argument has, therefore, two stages: 1, How would the law under discussion bear upon the given case? 2, Assuming its operation in that case to be determined, would that operation be beneficial or otherwise?(5)

(4) The interpretation of laws generally is treated by writers on general jurisprudence (as by Savigny, *System des heut. Röm. Rechts*, b. i. c. 4), and specially by the writers on each national system of law.—See Dwarris *on Statutes*, c. 12, 13, 14. The interpretation of treaties is discussed by the writers on international law.—See, *e. g.*, Vatel, b. 2, c. 17.

Concerning the hermeneutic art, or the method of interpreting ancient authors, sacred and profane, see Bernhardy, *Grundlinien zur Encyclopädie der Philologie*, p. 59-111. This department of philology is of great extent and importance,

(5) *Casus*, for a case falling under a rule of law, is used occasionally

Thus, if a measure, changing the law of marriage, the law of debtor and creditor, or the law of landlord or tenant, in any country, were brought forward, various cases would be suggested with respect to existing rights, to inchoate rights, and to future rights, for the purpose of trying the proposed enactment, and of determining its probable operation. In some cases, perhaps, it would appear upon examination that the existing law met the alleged evil, and, therefore, that the proposed change was superfluous: in others, that it would aggravate the evil, and would, therefore, be mischievous: in others, that it would remove or mitigate the evil, and ought therefore to be adopted: as in the construction of a statute, the old law, the mischief, and the remedy,(6) would be the points for consideration. A similar mode of reasoning would be applicable to a proposition for a new tax, for new regulations respecting the army and navy, or for a new measure respecting the maintenance of the clergy, the repair of roads, or the carriage of letters: various suppositions would be made, some having reference to a particular state of facts, some having reference to various legal rules, for the purpose of testing the probable operation of the new scheme, and of considering it under a variety of aspects.

The imaginary cases which are supposed in legislative debate, for the purpose of trying the probable influence of a proposed law, are therefore analogous to the actual cases which come before a court, and to which a judge is required to apply the existing law. Such hypothetical cases bear the same relation to real cases, as fictitious narrative bears to history. Opinions of counsel upon actual cases are exactly similar to the decisions of a court upon judicial questions, and are given upon similar grounds. The problem of the judge or legal practitioner, how-

by the classical Roman jurists.—See Dirksen, *Man. Jur. Civ. Rom.* in v. *Species* is likewise used in the same sense; and *ponere*, for putting a case. —See *Dig.* iii. 5, § 34.

A case is an aggregate of circumstances, considered with reference to the manner in which they are affected by some legal rule or enactment. The same expression is used with respect to a treaty—*casus fœderis.*

(6) Above, ch. xii. § 6.

ever, is simply to apply the words of an existing law to the facts of an actual case:(7) the problem of the legislator is to apply the words of a proposed law to a hypothetical case, and then to determine if the operation of the law, in such a case, would be beneficial. It may be remarked, that the complexity of actual cases is, in general, far greater than that of hypothetical cases. Practice spontaneously turns up difficulties far harder of solution than any which the most fertile imagination, or the most hostile criticism, can devise beforehand.(8) This arises in part from the unforeseen combination of the new enactment with other pre-existing rules of law. If every case fell under only one legal rule, the application of law to facts would be a comparatively easy art.

It is sometimes said, that the probable operation of a proposed law is best tried by supposing an *extreme case*. But this argumentative artifice must be employed with great reserve. Extreme cases, although they serve to make the arguer's meaning clear, do not in general try a law fairly, or lead to a safe practical inference.(9) Rare and improbable cases may be suggested, which would undoubtedly lead to absurd consequences, provided that the law is to be enforced with inflexible rigour, and that no discretion is to be exercised in its administration. We know, however, from experience, that laws are not administered in this manner. In the first place, it is laid down by the text-writers, both of international and national law, that,

(7) Hypothetical cases, with respect to the application of a rule of law, may likewise be put by lawyers, for the sake of argument.

(8) 'Sapientissima res tempus (ut ab antiquis dictum est), et novorum casuum quotidie auctor et inventor.'—Bacon, *De Augm. Sci.* viii. aph. 32. The saying as to the wisdom of Time, as being the great discoverer, is attributed to Thales.—Plutarch, *Sept. Sap. Conv.* c. 9. Time was proverbially said to be the wisest of counsellors, Plutarch, *Pericl.* 18.

(9) It is a maxim in Westminster Hall, that 'hard cases make bad law.' The meaning of the maxim is, that when an extreme case occurs in practice, for which the law has not provided, the court is disposed to strain the legal rule beyond its proper extent, in order to give relief in the case before them. In thus stretching the rule to meet an extraordinary case, they are likely to render it applicable to some ordinary cases, to which it ought not to apply.

in the construction of any instrument, absurd consequences are to be rejected. This is the doctrine of Grotius,(10) followed and enforced by Puffendorf(11) and Vatel.(12) Even the English law, which holds that where the words of a statute are plain, the courts are bound to enforce them, without regard to consequences, yet admits important limitations to this general rule. Wherever the meaning is doubtful, or there is a conflict of provisions, or the consequence is indirect, the *argumentum ab inconvenienti* is allowed to have great weight.(13) Various technical contrivances, and forced constructions, are likewise resorted to by courts of justice, for the purpose of eluding the absurdities and inconveniences which would arise from an enforcement of the plain meaning of statutes.(14) Whenever a discretionary power is vested in the executive authorities, the administration of a law is so conducted as to avoid any obviously mischievous consequences, and the expression of popular opinion with respect to its anticipated operation restrains the action of the government. Hence, the supposition of extreme cases does not furnish a fair practical test of the probable working of a legislative enactment. It is quite conceivable that a law, which is on the whole likely to be attended with a great preponderance of beneficial consequences, might lead, in certain imaginary cases, to absurd results, provided that it were enforced with a blind and mechanical rigour. It has been shown above, that the argument upon the probable effects of a proposed law has two stages—1, How would it operate in a given case? 2, Would that operation be beneficial, or otherwise? Now the second stage of this argument becomes unnecessary, if it appears that the supposed case is so unlikely to occur, or, if it were to occur, so unimportant, that the operation of the pro-

(10) *J. B. et P.* ii. 16, § 6. (11) *L.* v. c. 12, § 8.

(12) ii. § 282. Compare Cic. *de Invent.* i. c. 38.

(13) Dwarris, *ib.* p. 755.

(14) On the subject of forced constructions of statutes, see the first Report of the Criminal Law Commissioners.

posed law with respect to it is not worthy of consideration. *De minimis non curat lex* is a maxim applicable to the making, as well as to the execution of laws. Extreme cases, however, are not only improbable as to their event, but also limited in their application. Nevertheless (as has been already stated) an extreme case may, in arguing upon the effects of laws, be properly used for the purpose of illustrating the objector's meaning; and although it does not, as in mathematics, effectually bring about a *reductio ad absurdum,* yet it shows clearly the character and scope of the objection, by raising it to its highest power.

The same method as that employed for investigating the probable effects of laws, is also applicable to treaties and other international agreements. Thus, if an alliance for mutual defence with a foreign state is proposed for discussion, the various contingencies under which the treaty would be called into action, the *casus fœderis,* would have to be considered, and, according to the probable results of the treaty in the supposed circumstances, would a judgment as to its expediency or inexpediency be formed. So, if it were proposed to consider what would be the effect of a clause in a treaty, by which two nations agreed to refer all differences to arbitration, various hypotheses might be made as to the probable effects of such a clause under different contingencies. What (it might be said) would be the event, if one party refused to submit to the arbitration before it was made, or, when it was made, objected to it as unjust and unreasonable; if the arbitrators appointed could not agree, or were corrupted or intimidated, or exceeded their powers; if the terms of reference were improperly framed? (15)

§ 3 Having described the process by which the probable effects of a legislative scheme are calculated, and having illustrated the method of putting hypothetical cases to try its operation in various contingencies, we have next to inquire how far the future operation of a proposed law can be ascertained by

(15) See Vatel, b. 2, § 329.

these means, and how far the predictions thus made are likely to accord with the event when it actually occurs.

In assigning the effects of a past and historical cause, our attention is mainly directed to that aggregate of positive conditions which determined their occurrence; we take little note of the negative conditions, of the absence of those circumstances which, *if* they had been present, would have counteracted the operation of the composite cause. When one event has been produced by other antecedent events, we usually describe the sequence absolutely, without suggesting all the hypothetical cases which, if they had occurred, would have prevented the sequence. When such hypothetical cases are suggested (for example, when it is said that if such and such steps had been taken, a battle which was lost might have been won, a town which was taken might have been defended), they are in general made the subjects of separate consideration. But in anticipating the probable effect of a hypothetical cause in politics, we are unable to follow so direct a road. It is necessary to take account, not only of the *positive*, but also of the *negative* conditions for the operation of the cause in question.

In physics, the negative as well as positive conditions for the operation of a cause can sometimes be predetermined; and the future effect can then be anticipated with certainty. We expect, for example, without any doubt, that the sun will appear to-morrow above the horizon at the customary time, and change night into day. If no solar eclipse has been calculated for that period, we anticipate confidently, from our experience of the past, and our confidence in the stability of nature, that no opaque body intervening between the sun and the earth, nor any other impediment, will prevent the illumination of our planet by his rays. Again, in the experimental physical sciences, all negative conditions counteracting the operation of a given cause can be artificially removed; so that in this department of physics the effects of a given cause can be known beforehand. But in politics, we can neither enumerate all the negative con-

ditions requisite for the operation of a given cause, and the production of a hypothetical effect, nor can we control the influence of those conditions, as in the experimental sciences. In politics, therefore, we can only say, with reference to the future, that a specified cause will produce a certain effect, in case not only the conditions requisite for its production are present, but the circumstances adverse to its production are absent. The circumstances which may, by possibility, impede the operation of a political cause are so numerous, that they may be considered as infinite; they defy enumeration, and cannot be exhausted by any preliminary view. This multiplicity of possible impediments to the action of a cause is not peculiar to politics; it is common to all human affairs, and is, indeed, shared by a large number of physical causes.(16) Thus, when we put a letter into the post, or charter a ship for a voyage, we know that, if certain obstacles do not occur, the letter or the ship will reach its destination; but the existence of possible impediments is a matter of uncertain conjecture. So, in mechanics, when a body is set in motion, it will advance until its motion is arrested by counteracting causes. In the operations of animated nature, the action of numerous causes can be anticipated, subject to the uncertainty which attends their repression by adverse influences. Again, the action of any political cause may be accelerated by concurrent causes, tending in the same direction. In this manner, the operation of a law may be carried beyond the intention of its authors; it may produce effects deeper, wider, and more acutely felt, than they anticipated. By the addition of such unforeseen forces, a pressure which was intended merely to support, may be sufficient to overthrow—a remedy which

(16) See Mill's *Logic*, vol. i. p. 523: 'All laws of causation, in consequence of their tendency to be counteracted, require to be stated in words affirmative of tendencies only, and not of actual results. In those sciences of causation which have an accurate nomenclature, there are special words which signify a tendency to the particular effect with which the science is conversant; thus, *pressure*, in mechanics, is synonymous with tendency to motion; and forces are not reasoned upon as causing actual motion, but as exerting pressure. A similar improvement in terminology would be very salutary in many other branches of science.'

was intended to act as a medicine, may be converted into a poison.

§ 4 In speaking, therefore, of the probable or hypothetical operation of a specific political cause, we can only say that, if it be neither wholly impeded and overborne, nor partially repressed and retarded, nor unduly accelerated in practice, it will produce a given effect; in other words that it *tends*, in the particular instance, to produce a given effect. Now, in anticipating the probable effects of a law or other political measure, proposed for adoption, we can, in general, by the methods of reasoning explained above, form a well-grounded judgment as to its tendency; that is to say, we can predict its effects, upon the assumption that its operation is left to its natural course. We can, however, do more than this: although the number of *conceivable* impediments to the operation of a political cause may be considered as unlimited, yet the number of *probable* impediments is often susceptible of previous calculation. When a law is under consideration, it can be perceived that its tendency, or intended operation, is likely to be impeded by various counteracting forces, the direction and intensity of which can, within certain limits of error, be measured beforehand. Hence the promoters of the law, foreseeing the impediments which it is likely to encounter, are able to devise and prepare means for overcoming these impediments.

A simple illustration of this anticipation of consequences is afforded by the case of a tax, imposed with the view of raising a revenue for the government. If resistance to the collection of the tax is expected, the government may provide a sufficient force of police and military to assist the collectors in levying the impost. In this manner, it may be expected that the causes likely to counteract the intended operation of the law will themselves be effectually counteracted.

Not unfrequently, however, it is necessary to advance, in the anticipation of consequences, one or more steps beyond this point. It may be foreseen that the defences provided against the adverse influences will themselves be attacked: that an attempt will be

made to counteract the measures employed to counteract the counteracting causes. Thus, it may be proposed to levy a customs' duty upon an article of import, for the purpose of raising its price in the country, and of stimulating its native production by the prevention of foreign competition. If the duty be fixed at a high rate, it may be expected to lead to smuggling; and, accordingly, provision may be made for guarding the frontier by sea and land, in order to prevent the contraband introduction of the article. At the same time, it may be anticipated that the operations of this preventive force may be resisted or eluded; that the persons employed in this service may be at one time overpowered by numbers, at another misled by false information; and that the counteraction of the influences counteracting the law may thus be defeated. Other examples may be found in the criminal law: thus, if it is proposed to render a certain class of acts penal, the fear of the punishment, provided its infliction were tolerably certain, might be expected to repress the offence; but it is expected that it will be counteracted by intimidation of the witnesses—or of the jurors, if the trial be by jury. Accordingly, provision may be made for protecting the witnesses and jurors, by keeping them in a place of safe custody, by guarding their persons, by securing them a maintenance elsewhere when the trial is over. It may, however, be foreseen that these protective measures are likely to be only partially successful, and that the means employed to counteract the influences counteracting the operation of the law, may themselves be counteracted by other adverse influences. Again, when a fine is imposed upon the commission of a certain act, it may be anticipated that the penalty may be rendered nugatory, by subscriptions to pay the fine when inflicted by a legal sentence upon an offender. Such subscriptions may, accordingly, be rendered penal by a subsidiary enactment; but it may be apprehended that attempts will be made to evade this defensive prohibition by clandestine subscriptions, or by presents, made ostensibly for a different purpose.

Cases such as these are among the simplest which present themselves in estimating the probable effects of a proposed law.

In almost all legislation, some subsidiary enactments are requisite, to protect the main enactment against impediments which are likely to obstruct its course. Whenever these probable impediments can be foreseen, and are of such a nature that they can be guarded against by proper precautions, the law may be expected to produce its designed effect; its *tendency* and its *actual result* are likely to coincide. But (as we have already seen in a former chapter) the undesigned and unforeseen consequences of a law are often important, and are sufficient to outweigh its designed effects.(17) Besides, it happens not unfrequently that events occur, wholly unexpected by the authors of the law, which impede or modify its operation in various manners. In such a case as this, the *tendency* of the law, and its *actual result*, differ; the effects which it would naturally produce, if it acted in an unresisting medium, have been stifled and repressed, or modified and compounded, by adverse and counteracting influences.

In order to show how the series of unforeseen events, springing out of a political cause, becomes complicated in practice, we will take an example from international relations:—Two states, *A* and *B*, enter into a treaty for the sake of mutual defence against the aggressions of a third state, *C*. The object of this alliance is mainly to deter *C* from invading either of the allied states: in case, however, of its failing to produce this effect, then to increase the defensive power of the state which may be attacked. After a time, however, all doubt as to the success of the treaty in restraining the ambition of the aggressive state is removed: *C* invades *A*, and thus counteracts the principal object of the treaty. *B* then proceeds to make military preparations, in order to assist *A* in repelling the attack. *C*, on the other hand, attempts to neutralize this opposition to its counteracting force, by creating jealousies between the two states, *A* and *B*; by sowing dissensions between the government and people in state *B*; or by bribing members of the legislature to vote against military preparations; or by persuading the government, with the

(17) Above, ch. xii. § 10.

offer of commercial or other advantages, to postpone or evade the fulfilment of its treaty-obligations; or by inducing a fourth state, *D*, to invade *B*. The state *B* may, in return, adopt various measures for frustrating these attempts of *C* to prevent it from assisting *A*: for example, it may suppress the insurrectionary movements excited with a view of diverting its troops, or it may negotiate separately with state *D* for a cessation of hostilities. These measures may be met by other counter-measures on the part of state *C*, until the position of the parties becomes as complicated as a game of chess. Now, upon a retrospect of the operation of the treaty, of the influences used to counteract it, of the influences used to counteract these influences, and so on in succession, and upon a comparison of the prospective views with the actual result, it will be readily perceived that, in anticipating the probable operation of a political cause, where large bodies of men and powerful conflicting interests are involved, we can only speak of its *tendency*, and can never venture to predict its *actual effect*. It happens perpetually, in political as in private life, that unforeseen obstacles to the best-calculated plans arise in practice; and that the tendency, or natural operation, of a cause is frustrated by events which no sagacity could have predicted, and no contrivance could have prevented.

In the preceding remarks, we have attempted to elucidate the prediction of future political events, considered as a hypothetical problem for the discovery of a specific effect. We shall, however, have occasion hereafter, in another part of this treatise, to investigate the general subject of political prediction, when we shall endeavour to trace more fully the conditions to which it is subject.([18])

(18) Below, ch. xxiv.

CHAPTER XIV.

ON THE CONTINUING OPERATION OF CAUSES IN POLITICS.

§ 1 IF every phenomenon owes its existence to a certain set of conditions, which together constitute its cause, it must cease to exist with the cessation of that cause. If the cause be withdrawn, the effect likewise must be at an end. This general meaning is expressed in the axiom, 'Cessante causâ, cessat effectus;' or, 'Sublatâ causâ, tollitur effectus.'(1)

The axiom in question is universally true, provided it be correctly applied. If the cause of the *present* existence of any effect be removed, the effect will cease. In some instances, the present cause and the original cause are identical; in other words, the effect is due to the continued operation of the same cause. But, in others, the operation of the original cause ceases, and a new cause succeeds in its place. Now, wherever such a change of causation has occurred, the axiom is only true if it be referred to the present and substituted cause: if it be understood to refer to the original and extinct cause, it is erroneous.

The distinction which has just been pointed out may be easily exemplified:—In many cases of causation, a continually-renewed action of the same cause is necessary for keeping up the effect. Such, for example, is light, which is constantly diffused from a luminous centre; and if that centre is extinguished, or

(1) See Mill's *Logic*, b. 3, ch. 5, § 6. There is a maxim similar to the maxim 'cessante causâ, cessat effectus,' which is fuller in its statement: 'Positâ conditione ponitur conditionatum, et sublato conditionato tollitur conditio.'—Krug, *Phil. Lex.* in 'Bedingtes.'

The first of these two clauses is universally true, if by *conditio* is meant the sum of the conditions necessary for the sequence of the effect. The meaning of the second is not clear: if the effect, or *conditionatum*, is removed, the conditioning circumstances or cause may remain. Perhaps *conditionante* is intended; if so, the maxim would be open to the same remark as the maxim just examined.

intercepted by an opaque body, the illumination ceases. Such, too, is heat: the caloric diffused from a centre of heat is after a time lost, and, if not renewed, the temperature falls. So, when a body is set in motion in a resisting medium, the effect of the original cause of motion is after a time exhausted, and the body returns to a state of rest, unless fresh pressure be applied. Again, certain animals may be domesticated by man, and changes, both in their physical form and in their habits and intelligence, may thus be produced. But the domesticating influence must, in order to operate, be continuous: if the control of man is withdrawn, the domesticated species relapses into a state of wildness, and loses, both in its form and habits, all traces of its artificial modifications.

There are, again, in physics many instances of effects outlasting the causes to which they were first due, and, when once produced, acquiring an existence independent of their original antecedent. An example is afforded by the extensive class of causes which are included under the name of *generation*. The parent is the cause of the offspring; the seed, or other instrument of botanic reproduction, is the cause of the plant: but, when once the young animal or plant is produced, it acquires a life of its own, which is not extinguished by the death of its author. Many habits, again, in the animal economy of the human body, which were originally the result of volition, become after a time mechanical and involuntary. A further set of examples may be found in the effects of the destructive forces of nature, such as hurricanes, volcanoes, earthquakes, inundations, conflagrations, and the like. When these causes have ceased to operate, their effects by no means cease, but are felt in permanent devastation of the earth's surface and of the works of man. Again, the effects of disease or violence upon the body of men or animals do not cease with the cessation of the cause—organs may be permanently destroyed or impaired, although the cause of mischief has been withdrawn.

§ 2 Now in politics the latter, and not the former, is the common case. In political causation, it rarely happens that the

removal of the cause removes the existing effect, although it may prevent the fresh creation of similar effects. For example, the deposition of a ruler who has exercised his supreme power in an oppressive manner will prevent the continuance of his oppressions, but it will not obliterate the effects of his past misgovernment. The revolution of 1789, which destroyed the system of the old monarchy of France, did not extinguish its enduring consequences; nor were the ill effects of Napoleon's rule cancelled by his dethronement, and detention at St. Helena.

A similar remark may be extended to all laws and political institutions, which influence the texture of society, and produce a certain social state. Whatever creates a national habit or custom, creates an effect which becomes independent of its original cause, and is likely to outlive it. If a law forms a large portion of the community to habits of industry and frugality, or impels them to laziness and improvidence, it produces consequences which will themselves, in their turn, become causes, and act independently of their first origin. Again, not only bad political institutions, but wars, famines, commercial crises, and revolutions, which destroy wealth, and disturb trade and industry, are attended with consequences which survive their temporary cause. They leave a large arrear of loss to be worked off by slow and successive efforts—they demolish rapidly, what can only be rebuilt slowly.

A nation long subjected to bad laws, which have vitiated its social system, resembles a chronic patient. The cause may be removed, but the effect is there, and can only be remedied by a long course of regimen and alterative treatment. The effects have become a substantive malady, independent of their origin. If a disease has been caused by any excess, as in eating, drinking, bodily or mental exertion, the first care of the physician will probably be, to put a stop to the bad habit in which the disease has originated. By so doing, he prevents the disease from being aggravated by a repetition of its original stimulus; he cuts off all future augmentation of the evil. But he will not be contented with this prevention of additional ill—he will seek, by proper remedies, to suppress or diminish the disease which

exists, and this disease he will endeavour to counteract by an independent treatment, having no reference to the cessation of its original cause. The subsisting disease has its own appropriate conditions, which, together, constitute its present cause, and against these the physician now directs his measures. It is after this method that the statesman deals with evils inherent in the structure of society: if he observes that a law which has existed for some time in the country has, on the whole, produced bad effects, and if he believes that it has a continuing tendency to produce similar effects for the future, he attempts to procure its repeal. Should this attempt be successful, he has secured the country against the renewal of those bad effects after the repeal of the law. But he sees that the evil consequences previously produced by the law do not cease with its repeal—it has left permanent marks upon the face of society, and although time would perhaps efface them, he attempts, by other independent measures, to accelerate this gradual process.

§ 3 A question is discussed at some length by Suarez, in his *Tractatus de Legibus*, whether a law ceases with the cessation of its cause.(2) This is a question which involves an investigation of the circumstances under which a law ceases to be in force, and which scarcely admits of a satisfactory solution, in the very general terms in which it is here proposed. If, by the *cause of a law*, is meant the legislature or government which enacted it, then the dissolution of that government, by conquest or other means, does not necessarily imply the revocation of its laws. We know by experience that many, if not most, of the laws of a conquered nation are generally retained in force, at least for a time, by the conquerors. The legal relations of the Roman provinces, and of the dependencies of England which have been acquired by conquest, may be cited as examples. But if, by *the cause of a law*, is meant the *ratio legis*—the circumstances which led to its enactment, or the mischief to be remedied—then the

(2) L. vi. c. 9: 'Utrum aliquando lex tota per seipsam cesset causâ ejus cessante.'

extent to which a law may be repealed *ipso facto*, when those circumstances or that mischief cease to exist, will depend upon the rules respecting the continuance of laws which obtain in each country. The general doctrine of the civilians, quoted by Suarez, is, that when the reason of the law ceases generally throughout the community, the law itself ceases.(3) The doctrine of the English law is different. No English statute can be repealed by a change of circumstances, or by desuetude—it can only be abrogated by the power which enacted it.(4)

(3) 'Communis consensus est, cessante ratione legis generaliter seu frequentius in totâ communitate, legem cessare.'—*Ib.* § 5.

(4) Dwarris, *ib.* p. 672.

Chapter XV.

ON POLITICAL THEORY, AND THE UNIVERSALITY OF PROPOSITIONS RESPECTING POLITICAL CAUSATION.

§ 1 WE have, in the seven preceding chapters, examined the subject of political causation, so far as the determination of past causes and effects, and also of special causes and effects, having reference to the future, is concerned. Both these classes of causes relate to a special and definite case, either actual or supposed. We now enter upon the inquiry into general causes and effects; which, being stated in abstract terms, and without reference to any given case, are independent of time, and apply equally to the past and the future. In order to investigate this subject, it is necessary to ascertain the nature of political theory, and to inquire how far propositions having a scientific generality can be laid down in politics.

It has been already shown[1] that every argument respecting causation in a single instance implies a general proposition, either proved or to be proved. It either assumes a general principle of causation as established, or it proceeds to establish such a principle by an ulterior inductive argument. If a historian alleges certain facts as the cause of any event which he narrates, he either refers this event to an admitted principle of causation; or, if he detects the operation of a cause not before observed, he must be prepared to affirm the possibility of its operation in other similar cases. For example, the person who first perceived, in an individual case, that both parties to a voluntary exchange are, or expect to be, gainers by it; that the succession in a despotic monarchy is accompanied with bloodshed, or that prices rise when

(1) Above, ch. ix. § 7.

the standard of a currency is diminished, and understood the nature of the causation, would unavoidably extend the same principle, by an inductive argument, to other similar instances.

Causation must always be first perceived in a single case, or a few adjacent cases, before it can be extended to a large class. Scientific genius consists in detecting causation in singulars, and in tracing out the general law on which the causation depends. The fall of an apple might suggest to Newton the trains of thought which led him from terrestrial attraction to the law of universal gravitation. In human affairs, likewise, simple transactions of buying and selling, ordinary acts of practical administration or judicature, might suggest to a theorist general principles in economical or political science.

In reasoning upon political causation in individual cases, the general proposition is, indeed, usually assumed, and the difficulty of the argument consists in determining which, out of several causes admitted to be adequate, is the cause in the given instance. For example, the event of which the cause is under investigation may be a popular insurrection, a fall of prices, or a decay of trade; and several causes, each of which is confessedly adequate for the production of the effect, may be assigned for it: the problem will then consist in selecting, out of many concurrent and possible causes, the true antecedent.

Whether, however, we mount to the general principle of causation from an individual instance, or expound the individual instance by applying to it a general principle of causation already established, the process by which the general principle is or has been obtained is the same. It is obtained by an inductive argument, of which the basis is, that whatever is the cause of one individual of a class, is the adequate cause of other individuals of the same class; and the conclusiveness of the argument depends, first, on the sagacity with which the class is formed, and, next, on the subsidiary processes by which the direct inference is tested and confirmed.

Now, in the physical sciences, the detection of the cause in a single instance often leads, by an easy and certain generaliza-

tion, to its extension over the entire class. The experiments of chemistry are of this nature. When the cause of the phenomena in one portion of air, or one globule of water—in one piece of a metal, an earth, or a salt—is discovered, it is at once extended, by an inductive argument, to all other individuals of the class. When Newton had analysed one ray of light into the prismatic colours, he concluded that the same analysis would apply to all other rays of light. When the cause of one glacier is discovered, the origin of other glaciers can be no longer doubtful. If the cause of a single hail-storm, of a single volcanic eruption, of a single earthquake, of a single aërolite, could be discovered with certainty, the explanation would probably apply to all the other phenomena of the same class.

Even in physics, however, great natural sagacity, combined with a practised scientific mind, is often necessary for perceiving the extent and limits of the class to which the generalization is to apply, and for avoiding inductive extensions founded upon fanciful and casual analogies. The early stages of every science are marked by rash and unfounded generalizations, and by attempts to extend principles of causation into regions with which they have no real affinity. Thus, Aristotle adopts an opinion, formed by scientific inquirers before his time, that animals which have not a gall-bladder are long-lived; and that there is a causal relation between the gall and shortness of life.(2)

Lord Bacon, in his *Historia Vitæ et Mortis*, lays it down, that persons of fair complexion are short-lived, and that those of black or red complexion are long-lived; that hard and bristly hair is a sign of long life, soft and curling hair a sign of short life; that a small head, wide nostrils, a large mouth, a gristly ear, and strong teeth, are signs of long life, with many other

(2) See *De Part. Anim.* iv. 2. Compare *Anal. Prior.* ii. 25, § 4; *Anal. Post.* ii. 14, § 11. The short explanation of induction given by Aristotle, in the *Topics*, shows clearly that the sense which he attributed to it agrees with that in which it is now generally understood. 'Induction (he says) is an advance from singulars to generals; thus, if a skilful steersman is the best, and also a skilful charioteer; then, generally, he who is skilful in each department is the best.'—i. 10. Compare Barth. Saint-Hilaire, *Logique d'Aristote*, tom. ii. p. 34. With respect to the sufficiency of single instances in physics, see above, ch. ix. § 17; ch. xi. § 2.

similar signs, indicating or contra-indicating longevity.(3) Now, if these were really signs of long and short life respectively, they must be connected with it, either as cause or effect, or as inseparable concomitants. But although cases may easily be found in which persons of fair complexion are short-lived, and persons of dark complexion are long-lived, yet the physiologist would not generalize those instances, without first instituting a wide observation of facts; and when that observation had been made, it would probably appear that the colour of the complexion was wholly unconnected with longevity.

It would be useless to repeat any of the numerous instances of hasty generalizations in physics which have been collected by Dr. Whewell, and other writers on inductive reasoning in the physical sciences. The belief that the moon influences the weather, because it influences the tides, may serve to exemplify the class of inductive errors to which we allude.

In politics, the inductive argument by which the efficacy of a cause in one instance is extended to other instances, is sometimes nearly as simple as in those physical sciences, where one instance serves as a perfect specimen of the entire class. In general, however, this extension cannot be made without much preliminary inquiry, and many restrictions and qualifications. One man is not as exactly similar to another man, one race of men is not as exactly similar to another race of men, one political community is not as exactly similar to another political community, as one piece of platinum is to another piece of platinum, or as one vial of oxygen is to another vial of oxygen. Hence, when, in politics, a principle of causation is extended by an inductive argument from a single case, or a few cases, to a large class, it is necessary to avoid the danger of carrying it too far, and of including cases to which it is not properly applicable.

As a simple example of the process by which an inductive conclusion is confirmed and established, we will take the physiological law, that the life of man never exceeds a certain limited

(3) *Works*, vol. x. p. 172-3.

period. In the first place, we know that, since the commencement of history, all men have died within that period; we know that no man is now living who was born more than a certain number of years ago; we further know, that the physiological structure of the living generation of men is similar to that of the previous generations who died within the fixed period; and that this structure is so constituted as to be subject to disturbance, decay, and disorganization. We observe, likewise, that living men are subject to the same diseases and bodily injuries which proved ultimately fatal to their predecessors; and that many living persons have, in consequence of diseases and wounds, been in danger of death. These physical arguments are strengthened by the considerations derived from the structure of human society, and from the principle of population. If the present generation were to be immortal, or if the period of their life were considerably enlarged, while their powers of increase by propagation remained unchanged, the conditions of society would be deranged, by the introduction of a new element in the ratio between population and food. All these arguments, again, might be confirmed by the analogy of the mammalia and the other races of animals. Putting together all these considerations, we draw, without the smallest doubt, the general conclusion, that every living man will die within a certain number of years from his birth; and looking to the general permanence of the order of nature, in all matters of animal physiology, we are equally certain that all future men, yet unborn, will hold their life upon similar conditions. Hence we perceive that, in applying to the mortality of man the universal hypothetical premise, that 'if some individuals of a class possess a certain property, all the individuals of that class possess the property,' we proceed upon sure grounds; and that the inference, in this case, is fortified by so many considerations as to be placed out of all doubt.

On the other hand, many cases will readily occur, where, if we inferred that a property possessed by some individuals of a class was common to the whole class, without inquiring into the

nature of the property, or the grounds of the generalization, we should commit grievous errors. Such an inference is only rendered safe by a preparatory and collateral process of inquiry. The generality and vagueness of the hypothetical premise must be corrected and limited by the considerations specially affecting each case.

§ 2 Having made these introductory remarks, let us now consider how far universal principles of causation, and, generally, how far propositions of universal application, or theories of scientific universality, can be established in politics.

I. Propositions universally true can be laid down in positive politics. Taking human nature as it is, it can be affirmed that there are certain conditions with which every government, all laws, all legal rights and obligations, and various other subjects of jurisprudence, must comply. These may be defined in abstract terms, and such definitions, if correctly framed, are universally true. They are analogous to the descriptions of the human body, and of its functions, given by the physiologist. Positive politics are the descriptive anatomy and physiology of the state. They describe the state as it is necessarily formed and constituted, and the necessary mode of its action. Like the body natural, the body politic has a certain invariable form, and certain members furnished with certain organs; and these have certain functions, exhibiting themselves in certain results. Thus, Locke remarks that the following propositions, 'Where there is no property, there is no injustice,' and 'no government allows absolute liberty,' are as certain as any propositions in the mathematics.(4) If, by 'property,' we mean a legal right to certain external objects; and if, by 'injustice,' we mean the violation of such a legal right, then it is clear that injustice necessarily implies the existence of property. In like manner, if by 'absolute liberty' is meant an exemption from all legal restraint, it is clear that absolute liberty is incompatible with the existence of political government.

(4) *Essay on the Human Understanding*, b. iv. c. 3, § 18.

The principal business of positive politics is to deal with necessary co-existences, and not to consider necessary sequence or causation. It decides what are the circumstances which constitute a supreme government, a law, a right, an obligation, a legal status, an administrative or judicial act, a treaty, an armistice, a blockade, a colony, a dependency; what is the distinction between freedom and slavery, between a state of war and a state of peace, and the like. It may, indeed, consider what is the general origin or cause of the existence of government, or how any class of rights or obligations, or any political institution, originates or ceases, such origin or cessation being considered as common to all nations and systems of law. But it does not teach what are the tendencies of this or that form of government or class of laws. Positive politics, therefore, is only partially concerned with causation. Owing to this limitation of its province, it has a certainty, precision, and generality, which no department of politics, not purely descriptive, can attain. It notes whatever is common to all forms of government and all systems of law, and describes their essential characteristics. Whether a government produce good or bad effects, whether a law exist in Europe, Asia, or America, it must, in order to be a government or a law, possess certain properties; and these properties it is the province of positive politics to ascertain.(5)

Every science of an art, every system of theoretic principles intended to serve as the substratum of a set of practical rules, involves a series of descriptive propositions similar to those of positive politics, and possessing equal generality. For example,

(5) See above, ch. iii. § 3; ch. v. § 7. Mr. Bentham lays it down, 'that if there are any books which can, properly speaking, be styled books of universal jurisprudence, they must be looked for within very narrow limits. To be susceptible of an universal application, all that a book of the expository kind can have to treat of is the import of words; to be, strictly speaking, universal, it must confine itself to terminology.'—*Introduction to the Principles of Morals and Legislation*, vol. ii. p. 259; ed. 1823. Mr. Stewart (*First Diss.* p. 92) observes, on this passage, that Mr. Bentham goes too far in limiting universal jurisprudence to the import of words. His proposition, however, may be considered true, if understood in the sense indicated in the text.

the science of navigation ought to teach what are the essential conditions of a ship; the science of architecture, what are the essential conditions of a house, a bridge, or any other structure; the science of banking, what are the essential conditions of a bank, and so on—before they respectively proceed to consider what it is that constitutes the excellency or defects of a ship, a building, or a bank.

§ 3 II. After we leave the certain and universally true propositions of positive politics, we come to another class of general propositions, lying on the confines of positive politics, but nevertheless essentially distinct in their nature. These are the propositions which may be styled the *principles of universal jurisprudence.*

These principles were called by the Greeks *unwritten laws.*(6) That is to say, they were political or moral maxims, which were recognised as having a binding force almost equivalent to a positive law, but which had not been reduced into writing by any lawgiver. They were conceived as rules obligatory upon mankind, of universal application, emanating from a Divine source, and sometimes too strong to be repealed by any human ordinance. Thus Antigone, in the tragedy of Sophocles, describes herself as bound, by the unwritten and immutable laws of the

(6) The expression unwritten laws (*ἄγραφοι νόμοι*) first occurs in the funeral oration of Pericles, in Thucyd. ii. 37, where it appears to denote those laws of the state which are corroborated by the moral sanction. It next occurs in a conversation between Socrates and Hippias, reported in the *Memorabilia* of Xenophon, iv. 4, § 19-25. In this passage, it signifies moral rules of universal application, such as the duty of honouring parents. Compare Xen. *Œcon.* 7, § 30-1. The expression was doubtless adopted by Socrates from popular usage. Thus, Plato speaks of *τὰ καλούμενα ὑπὸ τῶν πολλῶν ἄγραφα νόμιμα.*—*Leg.* vii. p. 793. It occurs frequently in this sense in the Greek writers, see Demosth. *cont. Aristocrat.* p. 639; and the passages cited by Ast *ad Plat. Rep.* viii. p. 563. In Plato, *Politicus*, c. 37, *ἄγραφα πάτρια ἔθη* are opposed to written laws. Dionysius, *Ant. Rom.* vii. 41, speaks of *ἄγραφον καὶ ἀνομοθέτητον φύσεως δίκαιον.* On the opposition of *ἔθη* and *νόμοι*, *i. e.* of customs and written laws, see Ast *ad Plat. Leg.* i. 8, p. 636. Aristotle, however (*Rhet.* i. 13, § 2), makes unwritten law a species of *jus civile,* or of the law peculiar to each state; and opposes it to the universal law of nature. See the notes to the passage in Dr. Gaisford's collection. This use of the word agrees exactly with that of the Roman law.—See *Inst.* i. 2, § 3, where reference is made to the Greeks.

gods, to bury the dead body of her brother, notwithstanding the prohibitory decree issued by the king.(7)

As examples of these universal principles of government, we may take the seven axioms laid down by Plato in his *Laws,* which he declares to be applicable to every state, great or small, and likewise to families; to be of necessary obligation, and to be according to nature. These are—

1. That parents should rule over children.(8)
2. That the noble should rule over the ignoble.
3. That the elder should rule over the younger.
4. That masters should rule over slaves.(9)
5. That the stronger should rule over the weaker.(10)
6. That the wise should rule over the ignorant.
7. That those who draw the lot should rule over those who miss it.(11)

Of these seven principles, Plato declares the sixth to be the most important, in which view of government he is supported by the general voice of the ancient philosophers. His seventh principle affords a remarkable instance of the danger of generalizing institutions with which the writer himself is familiar;(12) for election by lot, though universal in the Greek democracies,(13) is rarely used in the free governments of modern

(7) *Antig.* 454.

(8) It is laid down to be a law of nature (*κοινὸς ἀνθρώπων νόμος, ὃν ἡ φύσις ἔδωκεν ἅπασιν*), that progenitors should rule over descendants, in the speech of Fufetius in Dion. Hal. *Ant. Rom.* iii. 10. The existence of any such necessary institute of nature is denied by Tullus Hostilius, *ib.* c. 11. Fufetius afterwards (c. 23), in a speech to the Alban officers, describes the Romans as violating the natural law, common to Greeks and Barbarians, that fathers should rule over their descendants, and mother-states over their colonies. He treats their conduct as an attempt to supplant divine by human laws.

(9) Servius Tullius, in Dionys. iv. 23, denies that the distinction between master and slave is natural. Compare the doctrine of the Roman law, cited above, vol. i. p. 429, n. 115.

(10) The same law of nature is laid down by Dionysius, *ib.* i. 5.

(11) *De Leg.* iii. 10, p. 690. He calls these principles *ἀξιώματα*.

(12) For Plato's more detailed doctrine respecting appointment by lot, see *Leg.* vi. 5. He considers it in the light of a necessary evil.

(13) In the *Rhetoric,* Aristotle defines democracy to be a government in which the offices are distributed by lot (i. 8, § 4). Concerning the natural law of Zeno, see Minucius Felix, c. 19.

times. A similar remark applies, though in a less degree, to the subject of slavery.

The Romans called those legal principles and institutions, which were deemed to be common to all nations, by the appellation of *jus gentium*, as distinguished from the *jus civile*, or the law peculiar to each state. As the Romans extended their conquests, and incorporated into their empire a larger number of independent states, each possessing a peculiar system of law, they formed, by this experience, an idea of certain abstract principles and rules of jurisprudence, which were common to all, or most of these states. To this abstract collection of rules they gave the name of *jus gentium*—'the law common to all nations.' Afterwards, as their legal relations with their subjects increased, it acquired in some measure a positive character, and was engrafted into the practical jurisprudence of the empire. It became a sort of *lingua franca*—a medium of communication between persons of different countries—in which the peculiarities of their respective languages were rubbed off, and they were thus enabled to meet on a common ground.

There were certain principles or institutions which all systems of law, in countries with which the Romans came in contact, agreed in recognising, such as dominion or ownership, buying and selling, hiring, partnership, marriage, slavery. These, independently of the peculiar form in which they were clothed by the jurisprudence of each state, were *juris gentium;* any peculiar form of them, such as the Roman marriage, belonged to the *jus civile*.(14)

The *jus gentium* of the Roman jurists was equivalent to their *jus naturale*, to those positive institutions and laws, which

(14) *Inst.* i. 2; ii. 1, § 11. See the subject explained with remarkable clearness and precision by Savigny, *System des heut. Römischen Rechts*, vol. i. p. 108-116, and aph. i. p. 413-20. As to Ulpian's fanciful doctrine of a law common to men and animals, see above, vol. i. p. 16. Compare also Austin, *Prov. of Jurisp.* p. 188-91.

The *patria potestas* is an example of a right peculiar to the *jus civile* of Rome, and not a right *juris gentium*. 'Jus autem potestatis, quod in liberos habemus, proprium est civium Romanorum. Nulli enim alii sunt homines, qui talem in liberos habeant potestatem, qualem nos habemus.' —*Inst.* i. 9, § 2. Compare *Dig.* i. 6, § 3.

were substantially common to all nations enjoying a certain degree of civilization.(15) Taking man, with the conditions of his nature, physical and mental, and of society, as they exist, he naturally establishes certain laws and institutions; and, hence, the law common to all nations and natural law become equivalent.(16) Thus, as soon as regular judicatories are in operation, the principle of hearing the defence of an accused man before he is condemned,(17) and the principle of hearing both parties in a suit before the decision is given in favour of either, can scarcely fail to be recognised. Other elementary principles of this sort, having a very wide application, (such as that 'no man ought to be a judge in his own cause,') might be adduced.

Such practical principles, however recommended by an obvious and strong utility, are not acknowledged by all nations; and Savigny properly remarks, that when the Romans speak of the *jus gentium* as being recognised by 'all men,' and 'all nations,'(18) they were doubtless aware that their induction was

(15) 'Neque vero hoc solum naturâ, id est jure gentium, sed etiam legibus populorum, quibus in singulis civitatibus respublica continetur, eodem modo constitutum est, ut non liceat sui commodi caussâ nocere alteri.'—Cic. *de Off.* iii. 5. 'Societas est enim latissime quidem quæ pateat, hominum inter homines; interior eorum, qui ejusdem gentis sunt; propior eorum, qui ejusdem civitatis. Itaque majores aliud jus gentium, aliud jus civile esse voluerunt. Quod civile, non idem continuo gentium; quod autem gentium, idem civile esse debet.—*Ib.* c. 17. 'Æquissima vox est, et jus gentium præ se ferens, Redde quod debes.'—Seneca *de Ben.* iii. 14. 'Gentium jus est quod acceperis reddere,' in a passage attributed to Seneca, vol. v. p. 427; ed. Rukkopf.

(16) Cicero, referring to the belief in the existence of the gods, says: 'Omni autem in re consensio omnium gentium lex naturæ putanda est.'—*Tusc. Disp.* i. 13. Also in the speech, *De Harusp. Resp.* c. 14: 'Quanquam hoc si minus civili jure perscriptum est, lege tamen naturæ, communi jure gentium, sancitum est,' &c. 'Commune jus gentium.'—Nepos, *Themist.* 7.

(17) μηδὲ δίκην δικάσῃς πρὶν ἀμφοῖν μῦθον ἀκούσῃς,
Ap. Pseudo.-Plat. *Demodoc.* § 4.

Aristoph. *Vesp.* 725. Compare *Parœm. Gr.* vol. ii. p. 759; ed. Leutsch. In Latin, Audi alteram partem. The putting of persons to death without a trial (κτείνειν ἀκρίτους) is always spoken of with severe reprobation by the Greek writers; and as if, in condemning such a practice, they appealed to a recognised principle.—See, *e.g.*, Dion. Hal. *A. R.* iii. 22.

(18) 'Omnes homines,' 'omnes gentes,' 'gentes humanæ.'—Gaius, Savigny, *ib.* p. 110. Thus Ovid said of himself—

'Mihi fama perennis
Quæritur, *in toto* semper ut *orbe* canar—(*Amor.* i. 15)

yet he knew that there were parts of the world, inhabited by savage

incomplete. In the first place, they were not acquainted with all nations; and, in the next, they did not inquire very narrowly if a certain law was really common to all the nations with which they were acquainted.

As soon as we travel beyond the limits of the nations partaking of the Greek and Roman civilization in antiquity, and those partaking of the civilization of Western Europe in modern times, we arrive at nations which adopt different practical principles in the fundamental departments of civil law, and reject those principles of jurisprudence which theoretical writers denominate universal. All nations above the savage state recognise a right of possession; but tribes in the nomad state do not recognise a right of property or ownership in land;(19) and there-

tribes, where his name would be unheard. The 'whole world' is a hyperbole, as in the account of the temptation in St. Matthew, iv. 8—the high mountain from which 'all the kingdoms of the world' could be seen. 'All Asia and the world' is said to worship Diana, in the speech of Demetrius the silversmith, Acts xix. 27. Gibbon (c. 15) cites a passage of Justin Martyr, which describes Christianity as having spread over the whole world in the first century. Speaking of the 'gentium consensus tacitus,' Pliny says, that its first object was the use of the Ionic letters, the second was the practice of shaving the beard, the third was the division of hours. —*N. H.* vii. 58-60. From the instances given, it is clear that he means to limit himself to the states enjoying the Hellenic civilization. By a natural hyperbole, the orbis Romanus has often been identified with the entire inhabited world. Thus Florus: 'Ita late per orbem terrarum arma circumtulit, ut, qui res ejus legunt, non unius populi, sed generis humani facta discant' (i. 1, § 2). Compare Gibbon: 'Dazzled with the extensive sway, the irresistible strength, and the real or affected moderation of the emperors, they permitted themselves to despise, and sometimes to forget, the outlying countries which had been left in the enjoyment of a barbarous independence; and they gradually usurped the licence of confounding the Roman monarchy with the globe of the earth.'—*Decl. and Fall*, c. i. *ad fin.*, who refers to Bergier, *Hist. des Grands Chemins de l'Empire Romain*, liv. iii. c. 1.

(19) See Horace, *Carm.* iii. 24:

Campestres melius Scythæ
 Quorum plaustra vagas rite trahunt domos,
Vivunt, et rigidi Getæ,
 Immetata quibus jugera liberas
Fruges et Cererem ferunt;
 Nec cultura placet longior annuâ.

Speaking of the Suevi, Cæsar says: 'Privati ac separati agri apud eos nihil est; neque longius anno remanere uno in loco, incolendi causâ, licet.' —*B. G.* iv. i. 'Arva per annos mutant,' of the Germans.'— Tacit. *Germ.* 26. On the nomad state of society, see Comte, *Traité de Législation*, l. iv. c. 14; Gibbon, c. 26; Volney, *Egypte et Syrie*, tom. i. p. 351.

fore are ignorant of the various complicated rights which, in civilized societies, grow out of this relation. Again, with respect to marriage, monogamy is recognised by the law of the most civilized nations, both ancient and modern; but the law of the Oriental nations, as well as of the ancient Mexicans and Peruvians, has always sanctioned the practice of polygamy.(20) Moreover, the rules as to the permitted degrees of consanguinity and affinity for marriage have differed widely in different countries.(21) No legal institution was more universally diffused throughout the ancient civilized world than slavery; it was pre-eminently *juris gentium*. The law of modern civilized states rejects slavery; having, however, admitted it, in the qualified form of villenage or serfage, up to a comparatively recent date. The torture of slaves for judicial purposes was a principle of Greek and Roman jurisprudence, though the torture of freemen was an exceptional measure. In Oriental countries, no limit has existed to the use of torture for the extraction of evidence from suspected persons. The use of torture was recognised by the law of all European countries, except England, up to the French revolution:(22) it was, amongst the continental nations, an institution *juris gentium*. Since that time, its use has been legally abolished

(20) Selden considers polygamy as an institution of natural law. See the chapter, 'De polygamiâ ex jure naturali, seu universali illo quod tum ante legem Mosaicam, tum post, juxta Ebræos pariter obtinuit,' in his treatise, *De Jure Naturali et Gentium sec. disc. Ebræorum*, v. 6.

(21) 'De conjugiis eorum, qui sanguine aut affinitate junguntur, satis gravis est quæstio, et non raro magnis motibus agitata. Nam causas certas ac naturales, cur talia conjugia, ita ut legibus, aut moribus vetantur, illicita sunt, assignare qui voluerit, experiendo discet, quam id sit difficile, imo præstari non possit.'—Grotius *de J. B. et P.* ii. 5, § 12. Compare Nepos, præf.: 'Neque enim Cimoni fuit turpe, Atheniensium summo viro, sororem germanam habere in matrimonio; quippe quum ejus cives eodem uterentur instituto. At id quidem nostris moribus nefas habetur.'

(22) As to the law concerning torture in France, see Granier de Cassagnac, *Hist. des Causes de la Rév. Française*, tom. i. p. 398-400. The parliaments refused to register the decree of Louis XVI., in 1788, abolishing the *question préalable*; that is to say, torture after sentence of death, for the purpose of extracting a confession of accomplices. At that time, therefore, professional opinion in France was in favour of torture, within the limit indicated. The embarrassed manner with which Montesquieu treats the subject is very perceptible, *Esprit des Lois*, vi. 17; published in 1748.

in Europe. The legal responsibility of magistrates and public officers to the people for their acts was a practical principle generally recognised in the ancient republics; but no such principle could be admitted in any country under a despotic monarchy.

When, therefore, we speak of universal principles of jurisprudence, meaning certain practical principles recognised in the positive laws of all states, it will be found that few or no such principles exist, though there is a general agreement among civilized nations, and, indeed, among nations at the same degree of civilization, in the recognition of certain common principles of this sort.(23) No principles of law are, in strictness of speech, ubiquitous.

Accordingly, all attempts to found a universality of legal principles upon a supposed 'law of nature,' a law which nature is declared to have engraved upon the hearts and implanted in the bosoms of men—to establish a universal standard of legislation, by the name of 'natural justice,' or 'natural equity,' and to set up certain 'natural rights,' to which the positive law of every state must yield, are necessarily vain and delusive.(24) The

(23) This subject is illustrated incidentally in Story's work, *On the Conflict of Laws*, in which it may be seen to what extent the laws of modern civilized nations, agreeing in substance, differ in their practical principles. The following passage will serve as an example:—'To make a contract valid, it is a universal principle, admitted by the whole world, that it should be made by parties capable to contract; that it should be voluntary; that it should be upon a sufficient consideration; that it should be lawful in its nature; and that it should be in its terms reasonably certain. But upon some of these points there is a diversity in the positive and customary laws of different nations. Persons capable in one country are incapable by the laws of another; considerations good in one country are insufficient or invalid in another; the public policy of one country permits or favours certain agreements which are prohibited in another; the forms prescribed by the laws of one country to insure validity and obligation of contracts are unknown in another; and the rights acknowledged by one country are not commensurate with those belonging to another.'—*Conflict of Laws*, § 232. Elsewhere he says (§ 270): 'There are general rules of interpretation, recognised by all nations, which form the basis of all reasoning on the subject of contracts.' 'C'est la règle des règles, et générale loi des lois, que chacun observe celle du lieu où il est,' says Montaigne (i. 22); but even this universal rule is subject to numerous exceptions.

(24) Upon the meaning of *natural law*, see Selden, *ib.* lib. i. c. 3; Grotius, *J. B. et P.* proleg. § 5, 6, lib. i. c. 1, § 10; Puffendorf, l. ii. c. 3;

only propositions of jurisprudence which admit of universality are descriptive propositions: no preceptive propositions, no propositions laying down a legal rule, are universal. All those

Vatel, introd. § 6-11; Montesquieu, *Esprit des Lois*, i. 2. With respect to the insufficiency of the test, see Bentham, *Traités de Législation*, tom. i. p. 12; Comte, *Traité de Législation*, liv. i. c. 9 and 10. On the non-existence of natural laws, and the diversity of national laws, see Montaigne, *Essais*, ii. 12. Compare Stewart's *First Dissert.* p. 86, 93.

'I call natural laws those which nature dictates in all ages, to all men, for the maintenance of that justice which she (say what they will of her) hath implanted in our hearts. Theft, violence, homicide, ingratitude to beneficent parents, perjury against innocence, conspiracies against one's country, are crimes that are universally and justly punished, though with more or less severity.

'I call political laws those that are made in compliance with present necessity, whether it be to give stability to the government, or to prevent misfortune.'—Voltaire, *Commentary on Beccaria*, c. 14; Engl. tr.

'S'il n'existoit pas une loi écrite, il existoit des coutumes universellement révérées, plus puissantes chaque jour par cela même, qu'elles étoient plus antiques. Ces coutumes étoient de véritables lois; elles en avoient toute la force: on pourroit citer des peuples dont les institutions furent célèbres, et le sont encore, quoi qu'elles n'aient jamais été confiées à la mémoire des hommes. Parlerons nous de cette loi plus ancienne que tous les décrets, aussi ancienne que le genre humain? Fondée sur ce qui convient le plus à nos facultés, à notre organisation, à nos besoins, elle est comme le centre d'où partent et où doivent aboutir tous nos sentimens, toutes nos affections, tous nos droits, tous nos devoirs. Des rivages glacés d'Archangel aux terres fécondes de la Sicile, la loi naturelle atteint tous les hommes; elle les atteint sous le dais d'un trône comme sous le toit usé d'une cabane antique; elle atteint leurs actions comme leurs pensées, dirige leur instinct, corrige leurs penchans, domine leur conscience: elle inspire les seules règles qui puissent partout et toujours déterminer le véritable intérêt de tous, et assurer par la vertu ce bonheur, objet constant des sociétés humaines.'—Pastoret, *Traité de la Legislation*, tom. i. p. 32.

The application of the word *law* both to external and human nature was familiar to the ancients; thus, in Ovid, *Met.* xv. 71: 'quâ sidera lege mearent.' Lucan, i. 641-5:

'Aut hic errat (ait) nullâ cum lege per ævum
Mundus, et incerto discurrunt sidera motu;
Aut, si fata movent, orbi generique paratur
Humano matura lues.'

See also ii. 2, 10; x. 228. The same application of the word *lex* to laws of nature occurs in the following passages: 'Fruges maturitatem statuto tempore expectant: adeo etiam illa, sensûs omnis expertia, tamen *suâ lege* mitescunt.'—Curt. vi. 3. 'Quid ergo miramur cometas, tam rarum mundi spectaculum, nondum teneri legibus certis: nec initia illorum finesque notescere, quorum ex ingentibus intervallis recursus est?'—Seneca, *Nat. Quæst.* vii. 25.

The phrase 'lex naturæ' was also applied to the moral world. It was a saying of Epicurus, that 'divitiæ sunt ad legem naturæ composita paupertas.'—Seneca, *Ep.* 27, § 8.

methods which attempt to universalize the matter, as well as the form of law, are fallacious. At the best, they serve to confuse, and not unfrequently they lead to practical errors of serious magnitude, by investing with a fictitious dignity a set of principles, which persons possessed for the moment of supreme power, in some country, have thought fit to call natural.

As there are no universal principles of the civil jurisprudence which belongs to each community, so there are no universal principles of international law which are common to all communities. The proof of this proposition has been satisfactorily set forth by Mr. Ward, in his *History of the Law of Nations:* 'What is commonly called the law of nations (he says) is not the law of *all* nations, but only of such sets or classes of them as are united together by similar religions and systems of morality.'(25) Afterwards he adds: 'We see, then, the effect of religion, morals, and government, not only upon the genius and laws of particular people, but upon whole districts of the earth; and where there are such opposing principles acting upon the minds and conduct of different classes of nations, it is in vain that you expect them *all* to conform to the same law in their public intercourse; equally, perhaps, in vain, as if you expected the spirit of every government, and of every code of municipal law, to be the same throughout those states which, according to us, obey the same law of nations. When, therefore, we make use of the common expressions, 'the law of nations,' or 'the whole world,' they are seldom to be taken in the extensive sense which is implied by those terms, but always with such modifications as the subject we may happen to be upon will point out to us. Thus, in relating the transactions of Indian or African empires, such expressions would merely mean the law of Indian or African nations, and the Indian or African world; and so, also, in our own daily transactions in Europe, we mean by them nothing more than the law of the European nations, or the European world.'(26) Again, he remarks that when we, natives of Europe,

(25) Ch. 4, vol. i. p. 127. (26) *Ib.* p. 157.

or of European colonies, speak of the law of nations, we mean only the nations of our own set—that is, of Europe.(27)

The theory of a universal natural law, and of universal natural rights, is often connected with the belief in a 'state of nature;' as to which we shall say more hereafter.(28) By the state of nature, is meant that state in which each community is assumed to have been before the formation of its government. It is further assumed that we are informed concerning this state of things; and, next, that a certain law and certain rights existed in this assumed state of nature, which law and rights either are, or ought to be, still in force. The whole reasoning consists of a series of arbitrary assumptions, which fall asunder upon the first touch of criticism; its currency and acceptance have been owing to the habit, illustrated elsewhere,(29) of taking for granted that the origin of every community is known to us as a matter of fact, and that we can argue down from it to the actual state of things, as from a fixed point.(30)

The attempt to found universal principles of legislation and jurisprudence upon a supposed state of nature, may be compared with the attempt to found a universal rule of Christian faith upon

(27) *Ib.* p. 162. Wheaton (*Elements of International Law*, part i. ch. 1, § 9) lays it down, that there is no universal and immutable law of nations binding upon the whole human race.

(28) Below, ch. xviii. § 6; ch. xxii. § 20.

(29) Below, ch. xxvii. § 3.

(30) 'Of all the terms that we employ in treating of human affairs, those of *natural* and *unnatural* are the least determinate in their meaning. Opposed to affectation, frowardness, or any other defect of the temper or character, the natural is an epithet of praise; but, employed to specify a conduct which proceeds from the nature of man, can serve to distinguish nothing, for all the actions of men are equally the result of their nature. *At most, this language can only refer to the general and prevailing sense or practice of mankind;* and the purpose of every important inquiry on this subject may be served by the use of a language equally familiar, and more precise. What is just or unjust? what is happy or wretched, in the manners of men? what, in their various situations, is favourable or adverse to their amiable qualities? are questions to which we may expect a satisfactory answer; and whatever may have been the original state of our species, it is of more importance to know the condition to which we ourselves should aspire, than that which our ancestors may be supposed to have left.'—Ferguson's *Essay on the History of Civil Society*, part i. sect. i.

the supposed catholicity of the church. Both the state of nature and the catholicity of the church are, in truth, not facts but hypotheses; they are ideal, not actual states; and, therefore, all deductions from them which assume their reality, and involve the assumption that they are positive phenomena, must be deceptive.

It sometimes happens that a real model is propounded for universal imitation, as the doctrine and discipline of the church of Rome and its canon law, the civil law of Rome, the common law of England; so the Latin and the French have been severally recommended as a universal language. More often, however, an ideal model is conceived, which is thought worthy by its author of adoption in all countries. Political models of this sort may be compared with the projects of a universal scientific language, to be current throughout the whole world of science,(31) and of a universal system of weights and measures, to be used, like the algebraic and arithmetical notation, by all civilized nations.(32)

Lord Bacon, in treating of universal jurisprudence, has indicated the only point of view from which this subject can be correctly regarded. He speaks of exhibiting a 'character quidam et idea justi,' which shall serve as a general type or model for the special legislation of each separate state.(33) By substituting an ideal pattern for a universal law of nature, we express that portion of truth which the theory of natural law includes. The

(31) 'Peut-être seroit-il utile aujourd'hui d'instituer une langue écrite qui, réservée uniquement pour les sciences, n'exprimant que ces combinaisons d'idées simples qui se retrouvent exactement les mêmes dans tous les esprits, n'étant employée que pour des raisonnemens d'une rigueur logique, pour des opérations de l'entendement, précises et calculées, fût entendue par les hommes de tous les pays, et se traduisît dans tous leurs idiômes, sans pouvoir s'altérer comme eux, en passant dans l'usage commun.' — Condorcet, *Tableau Historique des Progrès de l'Esprit Humain*, p. 9; and see p. 290, 301 (ed. 1822).

(32) Compare Comte, *Cours de Phil. Pos.* tom. vi. p. 451.

(33) 'Quamobrem id nunc agatur, ut fontes justitiæ et utilitatis publicæ petantur et in singulis juris partibus character quidam et idea justi exhibeatur, ad quam particularium regnorum et rerumpublicarum leges probare, atque inde emendationem moliri quisque, cui hoc cordi erit et curæ, possit.' —*De Augm.* viii. vol. ix. p. 83.

subject of real and ideal models of government, and of their application, will be fully examined hereafter.(34)

§ 4 III. But, it may be said, if there are no practical principles of government and jurisprudence recognised in the legislation of every country, are there not certain universal principles of human nature common to all nations, which, in the last resort, determine all laws and institutions, and form both the actual and ideal standards of political government? Is not the constitution of the human mind as fixed and immutable as that of the human body? and have not the descriptive propositions of the metaphysical and ethical philosopher the same certainty as those of the physiologist? Did not the hearers of Homer or of Cicero resemble the generation of living men as closely in their mental organization as in their bodily form and functions? And if there are certain general pervading principles of human nature, do not these manifest themselves in certain effects common to all political societies, and susceptible of a general scientific expression? If there is no universal law of nature, if there are no natural rights which every government must enforce, surely (it may be said) law is not purely arbitrary, and political institutions are not framed according to mere caprice and opinion.(35)

It is sometimes laid down, that 'human nature is the same

(34) Below, ch. xxi. and xxii.

(35) 'Omnium, quæ in doctorum hominum disputatione versantur, nihil est profecto præstabilius, quam plane intelligi, nos ad justitiam esse natos, neque opinione, sed naturâ, constitutum esse jus.'—Cic. *de Leg.* i. 10.

Aristotle (*Eth. Nic.* v. 10) distinguishes between natural and legal justice, as species of political justice. Natural justice is that which has everywhere the same force, and does not consist in mere opinion. Legal justice is in itself indifferent, but it acquires importance from positive institution. Some persons, however, (he adds,) think that all justice is of the latter class; affirming that things which exist by nature are immutable, and the same in all places—as fire, which burns both in Greece and in Persia; whereas all laws and rights are subject to change. Aristotle admits this objection to be true, in a certain sense. He thinks that the life of the gods is immutable; but that while everything human is subject to change, some things nevertheless exist by nature.

The distinction between *mala prohibita* and *mala in se* is similar to Aristotle's distinction of legal and natural justice. *Mala prohibita* are those offences which are merely violations of positive law, without being also violations of natural law; *mala in se* are those offences which are violations both of natural and of positive law.—Blackstone, 1 *Com.* p. 57.

in every age and in every country.'(36) In a certain sense, this dictum is true. There are certain physical appetites, certain moral sentiments, certain intellectual faculties, which are common to the entire human race, assuming the body and mind to be in a normal state. The desire of food, the sexual passion, the feelings of revenge, anger, fear, jealousy, sympathy, compassion, pride, expectation, disappointment, the love of pleasure, the dislike of pain, are shared by all men. 'The definition of one man (says Cicero) is the definition of the entire human race.'(37) Shakspeare forcibly expresses this idea in the passage where Shylock claims for his countrymen the attributes of a common humanity with the Christians: 'I am a Jew. Hath not a Jew

(36) 'It may, I conceive, be laid down as a fundamental principle, that between any two great portions of the human species (whatever be the age or country to which they belong) there exists no radical distinction; that the total amount of moral and intellectual endowments originally conferred by nature is altogether, or very nearly, the same; and that the wide differences which we observe arise wholly from the influence of external circumstances.'—Hugh Murray's *Enquiries respecting the Character of Nations and the Progress of Society*, p. 12.

The following passages, from different authors, contain the same thought:—*γιγνόμενα μὲν καὶ ἀεὶ ἐσόμενα, ἕως ἂν ἡ αὐτὴ φύσις ἀνθρώπων ᾖ, μᾶλλον δὲ καὶ ἡσυχαίτερα καὶ τοῖς εἴδεσι διηλλαγμένα, ὡς ἂν ἕκασται αἱ μεταβολαὶ τῶν ξυντυχιῶν ἐφιστῶνται.*—Thuc. iii. 82. *ὅμοια γὰρ ὡς ἐπὶ τὸ πολὺ τὰ μέλλοντα τοῖς γεγονόσι.*—Aristot. *Rhet.* ii. 20, § 8.

'The nature of man seems to be the same in all times and places, but varied, like their statures, complexions, and features, by the force and influence of the several climates where they are born and bred, which produce in them, by a different mixture of the humours and operation of the air, a different and unequal course of imaginations and passions, and consequently of discourses and actions.'—Sir W. Temple, *Essay upon the Original and Nature of Government; Works*, vol. ii. p. 29, ed. 8vo. Spinoza (*Tract. Pol.* c. 7, § 27) lays down, in arguing, the proposition, 'natura una et communis omnium est.'

'Remarquez-le avec soin: les mêmes lois, les mêmes passions, les mêmes mœurs, les mêmes vertus, les mêmes vices, ont constamment produit les mêmes effets; le sort des états tient, donc, à des principes fixes, immuables, et certains.'—Mably *de l'Etude de l'Histoire*, part i. ch. 1; *Œuvres*, tom. xii. p. 20.

'That the capacities of the human mind have been in all ages the same, and that the diversity of phenomena exhibited by our species is the result merely of the different circumstances in which men are placed, has been long received as an incontrovertible logical maxim; or rather, such is the influence of early instruction, that we are apt to regard it as one of the most obvious suggestions of common sense.'—Stewart, *First Dissertation*, p. 35.

(37) See *De Leg.* i. 10, 11, where the identity of human nature in different countries is insisted on with much amplification.

eyes? hath not a Jew hands, organs, dimensions, senses, affections, passions? fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer as a Christian is? If you prick us, do we not bleed? if you tickle us, do we not laugh? if you poison us, do we not die? and if you wrong us, shall we not revenge?'[38]

To say that a man is liable to anger and fear, that he seeks pleasure and avoids pain, is, indeed, equivalent to saying that he is a red-blooded animal, and that he has a heart with four cavities—one proposition expresses an ethical, the other a physiological, fact common to the human race. In every country, and in every form of civilization, there are certain common desires and feelings, which determine men to action and govern their practical conduct. But the circumstances which awaken these feelings differ so much, according to time and place, that it is difficult to lay down general propositions concerning them. The feeling of anger or pity may be substantially the same in all men; but the circumstances which call it into active operation are wholly dissimilar. That which would arouse the anger of a man in one state of civilization, would produce no such effect in another. The man of European culture would feel sympathy or compassion on occasions which would create no such feeling in the mind of an Oriental. A similar remark applies to different countries of the western civilization, and also to different classes and different persons in the same community. All men seek what is pleasant, and avoid what is painful; but their notions of pleasure and pain, in the concrete, are almost infinitely various. It is a very different proposition to say, that all men are liable to anger and pity, that they avoid what is painful and seek what is pleasant; and to say that, under certain defined circumstances, all men will feel anger or pity, or that certain things are painful or pleasant to all men. In like manner, it is one thing to say

(38) *Merchant of Venice*, act iii. sc. 1. Compare Seneca *de Irâ*, iii. 2: 'Nulla gens est, quam non ira instiget, tam inter Graios quam barbaros potens.'

that all men have a brain, a spinal column, a heart, &c., and another to say that certain sorts of food, or certain modes of life, are healthy or unhealthy for all men.

Attempts have, indeed, been made by historians and politicians, from the earliest commencement of intelligent political observation, to generalise the operation of certain active principles, and to lay down universal propositions with respect to the manner in which men in large bodies, or the average ordinary man, will act under certain assumed circumstances. Propositions of this sort do not profess to express a law of nature which shall be absolute, immutable, and unerring, like the law of gravitation, the law of reflection of light, and other laws in physics. They aim only at being general presumptions, which, like presumptions in law, are taken to be true until they are shown, in the individual case, to be false. Many propositions of this kind, founded on a wide induction of facts in the countries within the writer's horizon, and therefore useful within those limits as a practical guide to conduct, may be cited. Thus, Thucydides describes the Athenians, in the Melian conference, as saying, that it is a universal law of man's nature for the strong to govern the weak; that the Athenians neither established this principle, nor were the first to use it, and that it will continue in use by all others, in their position, to the end of time.(39) In another place, a speaker in an assembly of delegates from different Sicilian states, is represented as declaring, that he does not blame the Athenians for their encroachments upon Sicily, for that it is the universal nature of man that he should exercise dominion over those that submit, but that he should take precautions against aggression.(40) The

(39) v. 105. Compare the argument of Callicles, in the *Gorgias* of Plato, c. 86-7, p. 483-4; and the fifth axiom of Plato, above, p. 28.
'Et quoniam cum prius ageretur pro injustitiæ partibus contra justitiam, et diceretur, nisi per injustitiam rempublicam stare augerique non posse; hoc veluti validissimum positum erat, injustum esse, ut homines hominibus dominantibus serviant: quam tamen injustitiam nisi sequatur imperiosa civitas, cujus est magna respublica, non eam posse provinciis imperare.'—Cic. *de Rep.* iii. 24; ap. Augustin, *Civ. Dei*, xix. 21.

(40) iv. 61. Compare Dionysius, *Ant. Rom.* i. 5: φύσεως γὰρ δὴ νόμος ἅπασι κοινὸς, ὃν οὐδεὶς καταλύσει χρόνος, ἄρχειν ἀεὶ τῶν ἡττόνων τοὺς κρείττονας.

principle thus laid down by Thucydides is not intended to give a scientific explanation of the manner in which government is conducted, for in this case he would have enounced an identical proposition; but it is intended to enforce the doctrine, that whenever one community has the power of reducing another community to subjection, it will invariably exercise that power; and that the exercise of power under such circumstances is a universal law of human nature.([41])

Machiavel, in his *Prince*, lays it down that men in general are wicked and faithless, whence he infers that any ruler who relies on other men keeping faith with him is sure to be deceived, and that it is necessary for him to anticipate the treachery of others, by his own constant use of deceit and falsehood.([42])

Something similar to these general affirmations respecting the conduct which all men are likely to pursue, under certain circumstances, is the proposition, that all men act according to their interest; from which it has been attempted to deduce a general theory of government.([43]) But propositions such as those which have been just adduced, namely, that the strong always reduce the weak to subjection—that all men are bad, and violate their promises and engagements—that all men act according to their own exclusive interest,([44]) unless they are so limited and attenuated by verbal interpretations, as to become nearly identical propositions, and to lose their obvious meaning—cannot be taken as absolute and universal truths. In many cases,

(41) Conquest and power over neighbours are the end of some constitutions, according to Aristot. *Pol.* vii. 2: *παῤ ἐνίοις δὲ καὶ τῆς πολιτείας οὗτος ὅρος τῶν νόμων, ὅπως δεσπόζωσι τῶν πέλας.* The Cretan laws were framed merely with reference to war, according to Plat. *Leg.* iv. 2, p. 705. Compare Aristot. *Pol.* ii. 9.

(42) 'Non può pertanto un Signore prudente, nè debbe, osservare la fede, quando tale osservanzia gli torni contro, e che sono spente le cagioni che la fecero promettere. E se li uomini fussero tutti buoni, questo precetto saria buono; *ma perchè sono tristi, e non l'osserverebbero a te,* tu ancora non l'hai da osservare a loro.'—*Principe*, c. 18.

(43) See Mill's *System of Logic*, b. vi. c. 8.

(44) 'It is very unsafe to assume that nations will always pursue their true political interest, where present temptations of vanity or ambition intervene.'—Grote, *Hist. of Gr.* vol. vii. p. 258.

sometimes in the majority of cases, they may prove true; but in many other cases they prove false. Men do not always act in the manner which these propositions describe. Nor even when they do violate engagements, and act for their own exclusive advantage, to the detriment of others, do they always carry their breaches of faith, and their pursuit of their interest, to the same length, or seek to attain their ends by the same means. Propositions of this extent, if taken as practical guides in politics, in their full acceptation and literal construction, without qualification or adjustment to circumstances, and recognised as descriptive of a universal fact, are sure to mislead. In following the successive events of political history, and in tracing the operation of political causes, much will doubtless occur to show the predominance of the bad part of human nature; but the political philosopher, as well as the practical politician, must beware of looking on mankind with the eye of the satirist, and of seeing only the vices of men and communities, and the follies or oppressions of governments. Speculative and practical error may as well arise from assuming men to be worse, as from assuming them to be better, than they really are. The sarcasms of Swift or Larochefoucauld, must not be mistaken for a true account of universal human nature.

Many other apophthegms or general propositions concerning man, similar to those just mentioned, occur in the works of historians and politicians, and are accepted as truths in political discussion. Such, for example, is the saying of Bias, that 'the possession of political power shows a man's true character and capacity.'(45) According to Tacitus, it is a characteristic of

(45) ἀρχὴ ἄνδρα δείκνυσι. See Aristot. *Eth. Nic.* v. 2; Diogenian, *Prov.* ii. 94, cum not. Compare Bacon, *Essay* xi. 'Of Great Place.' The same thought occurs in Télémaque: 'La condition privée, quand on y joint un peu d'esprit pour bien parler, couvre tous les défauts naturels, relève des talents éblouissants, et fait paraître un homme digne de toutes les places dont il est éloigné. Mais c'est l'autorité qui met tous les talents à une rude épreuve, et qui decouvre de grands défauts.'—liv. x. Hence the well-known remark of Tacitus respecting Galba: 'Omnium consensu capax imperii nisi imperasset.'—*Hist.* i. 49.

human nature to hate those whom you have injured :(46) also, that those who have endured ill usage from others should themselves be cruel.(47) It has been remarked, that a common danger draws together the bitterest enemies :(48) that he whom many fear, must fear many :(49) that the maintenance of faith on one side produces a disposition to maintain it on the other : that soldiers fight best in a just cause :(50) that expressions of hatred against men in power are more often sincere than professions of friendship.(51) The mutability and inconstancy of a large multitude—its proneness to pass from one extreme of feeling to another, from servility to insolence, from exultation to depression, from anger to pity, and its moveability by external influences, have often been remarked.(52) On the other hand, it has been maintained that

(46) 'Proprium humani ingenii est odisse, quem læseris.'—Tacit. *Agric.* c. 42. See Sen. *de Irâ*, ii. 33, § 1 : *οἱ δ'εὖ πεποιηκότες φιλοῦσι καὶ ἀγαπῶσι τοὺς εὖ πεπονθότας.*—Aristot. *Eth. N.* ix. 7.

(47) Rufus, an old soldier who had risen from the ranks : 'Vetus operis ac laboris, et eo immitior quia toleraverat.'—*Ann.* i. 20. 'Les hommes extrêmement heureux, et les hommes extrêmement malheureux, sont également portés à la dureté, témoin les moines et les conquérants. Il n'y a que la mediocrité, et le mélange de la bonne et de la mauvaise fortune, qui donnent de la douceur et de la pitié.'—Montesquieu, *Esprit des Lois*, vi. 9. Also Juvenal, of the great :

'Rarus enim ferme sensus communis in illâ
Fortunâ.' viii. 73.

The remark of Tacitus appears to be oftener true than that of Juvenal.

(48) *συνάγει τοὺς ἐχθίστους ὁ κοινὸς φόβος.*—Aristot. *Pol.* v. 5.

(49) Necesse est multos timeat, quem multi timent.—Publ. Syr. v. 448 ; and Seneca *de Irâ*, ii. 11.

(50) Vult sibi quisque credi, et habita fides ipsam plerumque obligat fidem.—Livy, xxii. 22.

'Frangit et attollit vires in milite caussa,
Quæ nisi justa subest, excutit arma pudor.'—Propert. iv. 6, 51.

(51) 'Sensit, vetus regnandi, falsos in amore, odia non fingere.'—Tacit. *Ann.* vi. 44.

(52) 'Hæc natura multitudinis est ; aut servit humiliter aut superbe dominatur.'—Livy, xxiv. 25. 'Multitudo omnis, sicut natura maris, per se immobilis est, venti et auræ cient.'—*Ib.* xxviii. 27. Compare Solon, *Fr.* 26, ed. Bergk ; Babrius, *Fab.* 71 ; and the verses of a comic poet, cited in Dio. Chrysost. *Or.* xxxii. § 23, p. 424, ed. Emper. :

δῆμος ἄστατον κακόν,
καὶ θαλάσσῃ πάνθ' ὅμοιον, ὑπ' ἀνέμου ῥιπίζεται,
κεἰ γαληνὸς ὢν τύχοι, πρὸς πνεῦμα βραχὺ κορύσσεται,
κἂν τις αἰτία γένηται, τὸν πολίτην κατέπιεν.
(Meineke. *Com. Fragm.* vol. iv. p. 615.)

'Militis animum mitigavit, ut est mos vulgo, mutabilem subitis, et tam

popular bodies are not fickle in their attachments to persons;(53) and Mr. Macaulay says that the common people are constant to their favourites, but chuse them ill.(54)

All treatises of descriptive ethics, all collections of apophthegms and proverbs, contain propositions of this sort, which profess to state generally how men act in a certain set of circumstances.(55) It is true, for example, in general, that parents love their children, and that children love their parents; that husbands love their wives, and that wives love their husbands—though these propositions are not universally true. In all general reasoning, even for practical purposes, such propositions may be assumed as representing the ordinary and prevalent state of things, but in individual action, such general presumptions must, where it is possible, be corrected by positive testimony as to the actual facts of the case. For example, in framing a law with respect to the testamentary disposition of property for an entire nation, it may be assumed that parents are desirous of providing for and benefiting their children; but if Sir Robert Walpole, in his political conduct, had applied the general presumption of a friendly relation between father and son to the special case of George the Second and Frederick Prince of Wales, without in-

pronum in misericordiam quam immodicum sævitiâ.'—Tacit. *Hist.* i. 69. 'Ut vero deformis et flens et præter spem incolumis valens process it, gaudium, miseratio, favor; versi in lætitiam, ut est vulgus utroque immodicum.' —*Ib.* ii. 29. Speaking of the military system of Augustus, Gibbon says: 'The troops professed the fondest attachment to the house of Cæsar; but the attachments of the multitude are capricious and inconstant.'—*Decline and Fall*, c. 3, vol. i. p. 95. 'Nihil tam incertum nec tam inæstimabile est, quam animi multitudinis.'—Livy, xxxi. 34.

(53) Grote, *Hist. of Gr.* vol. iv. p. 504.

(54) *History of Eng.* vol. i. p. 631. The variety of opinions expressed by eminent writers on the subject of popular fickleness may perhaps be somewhat diminished by the remark, that insincerity has sometimes been mistaken for instability, and that the withdrawal of popular favour from the fallen may be owing rather to meanness than to change of opinion. Hence Juvenal:

———'Sequitur fortunam ut semper, et odit
Damnatos' x. 73.

See Plutarch, *Demetr.* 30.

(55) The *Politica*, or *Civilis Doctrina*, of Lipsius (*Opera*, tom. iv.), contains a large collection of general sentences from the classical writers upon all branches of politics.

quiring into the actual facts, he would have committed serious practical errors.

General presumptions respecting the operation of the moral sentiments likewise require to be modified, not only according to *persons*, but also according to *time* and *place*, as will be shown more at length in the next chapter. Feelings which operate with intensity in one state of civilization, and in one community, sometimes act feebly in another state of civilization and in another community.

§ 5 Another class of propositions belonging to the same head, are those which attempt to lay down universal affirmations respecting the character and influence of political power, and of certain political forms or institutions.

Taking for granted the definitions of positive politics, and assuming that we know what a government is, what are its parts, organs, and functions—in short, that we know of the body politic what a physiologist teaches us of the body natural—we may proceed to ask what is the character and operation of a government constituted in a certain manner, or composed of persons belonging to a certain class? what is the operation of a law making certain enactments, prohibiting or permitting certain things? what are the practical effects of such and such a tax? what general propositions can be laid down concerning the actual working of government? With respect to the operation of political power, and the character of persons invested with or affected by it, there are such general propositions as the following:

'That no man is a good governor unless he has previously been a subject.'(56)

'That political power is easily retained by the same arts as those by which it was originally acquired.'(57)

(56) διὸ καὶ λέγεται καὶ τοῦτο καλῶς, ὡς οὐκ ἔστιν εὖ ἄρξαι μὴ ἀρχθέντα.—Aristot. *Pol.* iii. 4. 'Qui bene imperat, paruerit aliquando necesse est.'—Cic. *de Leg.* iii. 2. 'Nemo regere potest, nisi qui et regi.'—Seneca *de Irâ*, ii. 15.

(57) 'Imperium facile his artibus retinetur, quibus initio partum est.'—Sallust. *Bell. Cat.* c. 2.

'That all men obey willingly those who are worthy of governing.'(58)

'That every one would rather govern than be governed.(59)

'That the seat of power in any state is dependent on the preponderance of property.'(60)

'That money is the sinews of war.'(61)

'That no large state can long remain quiet, both at home and abroad.'(62)

'That it is easier to mount to high office, than to retain it.'

'That men fall from a high station, through the same qualities which enabled them to achieve it.'(63)

'That the institutions and manners of maritime and insular states are peculiarly liable to change and corruption.(64)

'That the plains are the seat of indolence and slavery; the mountains, of energy and liberty.'(65)

(58) 'Omnes æquo animo parent, digni ubi imperant.'—Publ. Syr. 526.

(59) 'Præterea certum est, unumquemque malle regere quam regi.'—Spinoza, *Tract. Pol.* c. 7, § 5.

(60) 'That 'empire follows the balance of property,' whether lodged in one, in a few, or in many hands, he was the first that ever made out; and is a noble discovery, whereof the honour solely belongs to him, as much as those of the circulation of the blood, of printing, of guns, of the compass, or of optic glasses, to the several authors.' Of Harrington, in reference to his *Oceana*—Toland's *Life*, p. xviii. prefixed to his works, vol. i. fol., ed. 1737.

(61) 'Nervi belli, pecunia infinita.'—Cicero, *Philipp*. v. 2. Compare Machiavel, *Disc.* ii. 10: 'I danari non sono il nervo della guerra, secondo che è la comune opinione.'

(62) 'Nulla magna civitas diu quiescere potest: si foris hostem non habet, domi invenit.'—Livy, xxx. 44.

(63) La Bruyère, *Caractères*, c. 8.

(64) Cic. *de Rep*. ii. 4. Speaking of the Greek islands, he says: 'Quid dicam insulas Græciæ, quæ fluctibus cinctæ natant pæne ipsæ simul cum civitatium institutis et moribus.'

The neighbourhood of the sea produces a mercantile life, and a mercantile life produces faithlessness and cunning.—Plato, *Leg.* iv. i. p. 704-5. Compare Aristot. *Pol.* vii. 6; with Grote, *Hist. of Gr.* vol. i. p. 296.

(65) Montesquieu, *Esprit des Lois*, xviii. 1-3; Volney, *Voyage en Egypte et en Syrie*, tom. i. p. 163. The latter writer, however, perceives that this proposition requires limitation. A different remark with respect to a mountainous country occurs in the Baron de Tott's *Mémoires sur les Turcs et les Tartares*: 'Les lieux les plus escarpés ont toujours été l'asyle de la liberté, ou le repaire de la tyrannie.' 'Les rochers sont en effet le site le plus capable de dissiper les craintes qui assiégent les oppresseurs et les opprimés.'—Tom. ii. p. 95.

'That inequality is always the cause of political revolution or conflict.'(66)

'That absolute princes love bad men and flatterers, and hate good men and honest counsellors.'(67)

'That courtiers are the flatterers of the prince; and that they are characterized by falsehood, treachery, perfidy, faithlessness to engagements, low ambition, pride to inferiors, servility to superiors, and a habit of turning virtue into ridicule.'(68)

'That demagogues are the flatterers of the people, and that they are characterized by venality and falsehood, by an unscrupulous desire of using the people for their own purposes, of inflaming their bad passions, of misleading their judgment, and of stimulating their antipathy against the better class of citizens.'(69)

'That clergymen understand the least, and take the worst measure of human affairs, of all mankind that can write and read.'(70)

(66) πανταχοῦ διὰ τὸ ἄνισον ἡ στάσις.—Aristot. *Pol.* v. 1.

(67) πονηρόφιλον ἡ τυραννίς.—Aristot. *Pol.* v. 11. 'Regibus boni, quam mali, suspectiores sunt, semperque his aliena virtus formidolosa est.'—Sallust. *Catil.* 7. On the meaning of *rex* in the Latin authors see above, vol. i. p. 89, n. 22.

'Souvent les princes, faute de savoir en quoi consiste la vraie vertu, ne savent point ce qu'ils doivent chercher dans les hommes. La vraie vertu a pour eux quelque chose d'âpre; elle leur paraît trop austère et indépendante; elle les effraye et les aigrit: ils se tournent vers la flatterie. Dès lors ils ne peuvent plus trouver ni de sincerité ni de vertu; dès lors ils courent après un vain fantôme de fausse gloire, qui les rend indignes de la véritable. Ils s'accoutument bientôt à croire qu'il n'y a point de vraie vertu sur la terre; car les bons connaissent bien les méchants, mais les méchants ne connaissent point les bons, et ne peuvent pas croire qu'il y en ait.'—*Télémaque,* liv. xviii.

(68) 'L'ambition dans l'oisiveté, la bassesse dans l'orgueil, le désir de s'enrichir sans travail, l'aversion pour la vérité, la flatterie, la trahison, la perfidie, l'abandon de tous ses engagemens, le mépris des devoirs du citoyen, la crainte de la vertu du prince, l'espérance de ses foiblesses, et, plus que tout cela, le ridicule perpétuel jeté sur la vertu, forment, je crois, le caractère du plus grand nombre des courtisans, *marqué dans tous les lieux et dans tous les temps.*'—Montesquieu, *Esprit des Lois,* iii. 5. Compare La Bruyère, *Caractères,* c. 8, 'De la Cour.' The description of Montesquieu, though couched in general terms, is in fact derived from the French court.

(69) See Hermann's *Pol. Ant. of Greece,* § 69, and the writers quoted by him. Compare Grote, *Hist. of Gr.* vol. vii. p. 257.

(70) The words of Lord Clarendon, *Life,* vol. i. p. 66; ed. 8vo.

The following general character of seamen occurs in Lord Clarendon's *History of the Rebellion.*

'The seamen are a nation by themselves, a humorous and fantastic people; fierce and rude in whatsoever they resolve or are inclined to, unsteady and inconstant in pursuing it, and jealous of those to-morrow by whom they are governed to-day.'(71)

Tacitus says that astrologers are a race of men faithless to the powerful, and deceitful to the sanguine, who will always be prohibited at Rome, yet always retained there.(72)

Sir Henry Wotton's jocular definition of an ambassador is well-known: 'Legatus est vir bonus peregre missus ad mentiendum reipublicæ causâ.'(73)

Propositions such as those just mentioned, like the other more general principles of human nature cited before, have no other claim to universality than that they are, or may be, general presumptions, which represent the majority of cases, and may be accepted as true until, in any given instance, they are discovered to be false.

§ 6 The most common form of the universal proposition respecting the practical operation of government, is an attempt to lay down the effects of certain political forms, laws, and institutions. This is the region in which the political theorist expatiates: he takes a certain form of government, a law of a certain sort, or a certain mode of administration or judicature, and he lays down universal propositions respecting the effects which it produces, without reference to time, place, or nation. Thus, it may be said that the fear of punishment deters men, the hope of reward stimulates them: that insecurity of property represses industry and frugality, and prevents the accumulation of wealth: that high rates of taxation diminish consumption. These are propositions of causation applicable to all forms of government,

(71) B. xi. vol. vi. p. 23; ed. Oxford, 1839.

(72) *Hist.* i. 22.

(73) Izaak Walton's *Lives,* p. 87; ed. Oxford. Compare the long character of diplomatic agents in La Bruyère, c. 10.

but we may likewise take certain political forms, and inquire what effects they produce, and what are their essential characteristics. For example, assuming that the precise nature of the three forms of government, and the demarcation between them, have been ascertained by positive politics, we may proceed to ask what are the practical effects and operation of monarchy, of aristocracy, and of democracy.

This is a question to which numerous answers have been given by nearly all the speculative writers on politics. From Plato downwards, there is scarcely one who has not attempted to characterize the several forms of government, under the names of monarchy, aristocracy, and democracy, or under some kindred appellations. Of all these writers, however, there is none who has traced the several forms of government to such remote consequences, or has connected them with such heterogeneous facts, as Montesquieu; and for that reason, a series of extracts from the *Esprit des Lois,* in which his views on this subject are contained, will serve to exemplify the method adopted by eminent writers for describing the characteristics of political forms.

According to Montesquieu, each of the two main divisions of forms of government—viz. the government of one, and the government of several,([74]) is subdivided into two classes. The government of one has no generic name; its two species are called monarchy and despotism: monarchy is where a single person governs, but by fixed and established laws—despotism is where a single person, without laws and rules, determines everything by his will and caprice. The government of several bears the generic name of republic. Republics are of two sorts. When the people in a body possess the sovereign power, the government is a democracy. When the sovereign power is in the hands of a part of the people, the government is called an aristocracy.([75]) Such is Montesquieu's division of the forms of

(74) 'La force générale peut être placée entre les mains d'un seul, ou entre les mains de plusieurs.'—1-3.

(75) ii. 1 and 2. With respect to the definition of despotism, compare vi. 3.

government, a division which it is necessary to bear in mind, in order to understand the respective characteristics which he assigns to them. Its chief peculiarity consists in the use of *monarchy*, as a specific term, distinguished from *despotism*. In general, when the three forms of government are spoken of, monarchy, aristocracy and democracy, are meant. When Montesquieu speaks of the three forms of government, monarchy, despotism, and republic are signified. This classification, however, is so far defective, that it co-ordinates the generic name *republic* (which is itself subdivided into species) with the two specific names, *monarchy* and *despotism*. He ought properly to speak of the *four* forms of government—monarchy, despotism, aristocracy, and democracy.[76] His distinction between monarchies and despotisms rests on an intelligible difference—inasmuch as a government of one may be conceived as administered either according to law, or arbitrarily. The same distinction, however, is equally applicable to aristocracies and to democracies, as Aristotle has long ago remarked in his *Politics*,[77] and is not peculiar to any one form of government.

(76) The ordinary triple division is partly open to the same criticism; but it may be defended on the ground that, though monarchy is a generic, and aristocracy and democracy are specific terms, yet monarchy is not subdivided. The two divisions stand thus:

ORDINARY DIVISION.

1. Government of one— Monarchy.
2. Government of several— Republic.
 1. Aristocracy.
 2. Democracy.

MONTESQUIEU'S DIVISION.

1. Government of one— (anonymous.)
 1. Monarchy.
 2. Despotism.
2. Government of several— Republic.
 1. Aristocracy.
 2. Democracy.

(77) iv. 4, 5, 10. According to Aristotle, an oligarchy not administered according to law is called ἀδυναστεία; while a monarchy not administered according to law is called a τυραννίς. In this respect, the τυραννὶς of Aristotle corresponds to the *despotism* of Montesquieu. The nature of the distinction between acts of a government in accordance with law and acts of a government not in accordance with law, or arbitrary, is fully illustrated in the introduction to the author's *Essay on the Government of Dependencies*, p. 15-46. Mr. Hallam remarks, that 'every English reader of the *Esprit des Lois* has been struck by the want of a precise distinction between despotism and monarchy.'—*Lit. of Europe*, vol. ii. p. 212.

It should be premised, moreover, that the scope of Montesquieu's work is, as declared by himself, to describe the spirit of existing laws. Taking the world as it had previously been, and as it then was, he traces the relations between the laws of different countries and the circumstances of those countries.(78) The propositions which he lays down, therefore, do not represent an ideal of his own—they are, in his view, a concentrated extract of the legislative experience of mankind.

In characterizing republics, he says that appointment by lot is of the nature of democracy—election by votes is of the nature of aristocracy.(79) He lays it down that the best aristocracy is that in which the part of the people which has no share in the governing power is so small and poor, that the dominant part has no interest in oppressing it.(80) He considers a monarchy as characterized by the powers intermediate between the prince and the people. The fundamental maxim of a monarchy is—'No monarch, no nobility; no nobility, no monarch.' Without a nobility, the monarch becomes a despot. The power of the clergy, though dangerous in a republic, is wholesome in a monarchy, especially in one which verges to despotism.(81) It is essential to despotism, he thinks, that the despot should be lazy, ignorant, and voluptuous, and that he should, in practice, delegate all the powers of government to a single minister, who becomes like an Oriental vizier.(82)

(78) See i. 3.

(79) ii. 2. This seems to be his meaning, though he says : 'Le suffrage par le sort est de la nature de la democratie.' Appointment by lot evidently excludes voting. This distinction between aristocracies and democracies seems to be borrowed from Aristotle's *Politics*. It has little reference to modern, or even to mediæval institutions.—See *Pol.* iv. 15.

(80) ii. 3.

(81) ii. 4. 'Abolissez dans une monarchie les prérogatives des seigneurs, du clergé, de la noblesse et des villes, vous aurez bientôt un état populaire, ou bien un état despotique.' From the reference made to the example of England, he seems here to treat England as an 'état populaire,' and not as a monarchy. Elsewhere, however, he makes an 'etat populaire' synonymous with democracy.—See iii. 3, 4. In v. 19, England is referred to as a country 'où la république se cache sous la forme de la monarchie.'

(82) ii. 5. It is difficult to know to which head of Montesquieu's division the government of Rome under Augustus, of England under Crom-

He next proceeds to describe the *principles* of the several forms of government. The principle of a government is its motive power—the human passions which set it in action. A monarchy and a despotism (he says) may be maintained without a great amount of honesty. The power of the law in the former, the prince's arm in the latter, preserve order. But in a democracy another engine of government is necessary: viz., virtue.(83) In an aristocracy, virtue is less necessary. The people are kept down by the laws, but it is difficult to compel submission among the nobles themselves, who form a body of equals. Hence, a spirit of moderation, founded on virtue, is the principle of an aristocracy.(84) In monarchies, virtue is banished by the influence of courtiers, in whose character the bad part of human nature predominates:(85) its place is supplied by honour, which aims at preferences and distinctions.(86) Ambition is pernicious in a republic, but is beneficial in a monarchy.(87) In a despotism, virtue is unnecessary, and honour would be dangerous—fear is the principle of this form of government.(88) In a despotism, the action of the governing power is more direct and resistless than in a monarchy; there are fewer compromises and remonstrances; but in both, the nature of the power wielded by the one ruler is the same. The only difference is, that in a monarchy the prince is more enlightened, and the ministers

well, and of France under Napoleon, ought to be referred. (He considers the government of Domitian as a despotism, on account of its military character.—iii. 9.) If these governments were despotisms, the character which he assigns to the despot is wholly inapplicable to them. Even those Oriental despots who founded dynasties, such as Cyrus, do not correspond with his description. In truth, the distinction which Montesquieu makes between monarchies and despotisms is one which it is nearly impossible to draw. Every government is, to a great extent, administered according to law. A despot may set aside the law when he thinks fit; but in ninety-nine cases out of a hundred, he does not think fit. If we confine ourselves to a *single act* of a government, we can say whether it is in accordance with law or not; but it is impossible to say generally, that a government is not administered according to law. There may be a habit of disregarding the law when it suits the wishes or supposed interest of the government.

(83) iii. 3. (84) iii. 4.
(85) iii. 5. (86) iii. 6.
(87) iii. 7. (88) iii. 9.

more able, than in a despotism.[89] Such, he adds, are the principles of the three governments; but he does not expect to find them in every case. There may be a republic without virtue, a monarchy without honour, and a despotism without fear; but without its proper principle, each government would be imperfect.[90]

He next proceeds to apply these distinctions. The laws of education, he says, have a different object in each of the three forms of government. In monarchies, it is honour; in republics, virtue; in a despotism, fear.[91] In monarchies, honour, which permits gallantry, is the standard of manners, and, hence, private morality is never so pure in monarchies as in republics.[92] In monarchies, education strives to elevate the feelings—in despotisms, to depress them and make men servile. In a despotism, every house is a separate empire, and education is limited to inculcating fear, and teaching the elements of religion.[93] Education is most important in republics. In these, it teaches patriotism and attachment to the law. These feelings are particularly manifested in democracies.[94]

The next subject is the relation of the laws to each form of government.[95] Virtue, in a republic, means the love of the republic;[96] in a democracy, the love of the republic is a love of the democracy, and a love of a democracy is a love of equality and frugality. The love of equality in a democracy limits each man's ambition to the desire of rendering greater services to his country than the other citizens; while the love of frugality limits the desire of wealth to an endeavour to obtain necessaries for one's self, and superfluities for the state.[97] In monarchies and despotisms no one aims at equality or frugality. In a democracy, these ends ought, as far as possible, to be attained by an equal division of the land into small lots.

(89) iii. 10. (90) iii. 11.
(91) iv. 1. (92) iv. 2.
(93) iv. 3. (94) iv. 5.
(95) v. 1. (96) v. 2.
(97) v. 3.

In a commercial democracy, however, there may be persons of great wealth, without corruption of manners; the reason is, that the spirit of commerce produces frugality, economy, industry, moderation, wisdom, and order.(98) In an aristocracy, the spirit of moderation takes the place of the spirit of equality in a democracy. Modesty and simplicity of manners form the strength of aristocratic nobles. The two chief sources of disturbances in aristocratic states are extreme inequality between those who govern and those who are governed, and the same inequality between different members of the governing body. An aristocracy in which the nobles divide among themselves taxes levied upon the people, is the most harsh of all governments. Distributions made among the people are pernicious in a democracy, but beneficial in an aristocracy. In an aristocracy, the nobles ought to be prohibited from engaging in trade—for trade is the profession of men who are equal.(99) Honour being the principle of a monarchy, the laws ought to be so framed as to maintain the hereditary importance of the nobles.(100) Monarchical government has a great advantage over republican government in this respect, that its affairs being managed by one person, there is greater rapidity in the execution. It has likewise a great advantage over a despotic government, because, in a monarchy, the orders intermediate between the prince and the people give greater solidity to the constitution and security to the subject.(101) In a despotism, whose principle is fear, the laws are few and simple: the despot himself rarely makes war in person, and is afraid of trusting its management to his

(98) v. 4-7. (99) v. 8. (100) v. 9.

(101) v. 10, 11. In the time of Montesquieu, the solidity of the French monarchy was still undoubted. The *Esprit des Lois* was published just fifty-one years before the breaking out of the French revolution. Niebuhr remarks, that 'Montesquieu lived at a time when men had grown weary of repose, and not having known a revolution for many generations, *longed for one* to season the insipidity of life.'—*History of Rome,* vol. ii. p 131, Eng. tr. In the time of Montesquieu, the French monarchy was believed, both by natives and foreigners, to rest on an immovable basis; nobody feared a revolution, but, on the other hand, it can hardly be said with truth that a revolution was generally *desired*.

lieutenants.[102] In a despotism, all that is required is to reconcile the political and civil government with the domestic government—the officers of the state with those of the seraglio. Religion has more influence in a despotism than in any other state—it is one fear added to another.[103]

Presents to rulers are odious in a republic, because virtue does not require them. In a monarchy, honour is a motive more powerful than presents; but in a despotic state it is customary to give presents, because, where there is neither honour nor virtue, a ruler can only be influenced by wealth.[104] In a despotic government, the prince rewards only by gifts of money. In a monarchy, the rewards are distinctions, and also honours, which lead to fortune. In a republic, the state rewards only by testimonials of virtue.[105] Offices ought to be saleable in a monarchy, but not in a despotism.[106]

Severity of punishment suits a despotic government, whose principle is fear, better than a monarchy and a republic, which depend on honour and virtue.[107] Clemency is the distinctive quality of monarchs. In republics, it is less necessary. In a despotic state, it is less used, because the grandees must be restrained by examples of severity.[108] In republics, private crimes are more public—that is, they affect the constitution more than individuals. In monarchies, public crimes are more private—that is, they affect the fortunes of individuals more than the constitution.[109] Satirical writings are hardly known in despotic states. In a democracy they are permitted: in a monarchy they are prohibited, but not by severe penalties. An aristocracy is the government which proscribes them with the greatest severity.[110]

(102) This seems one of the most singular of Montesquieu's generalizations, and most manifestly repugnant to experience. It is not even true of the Oriental despots, whom he had principally in his mind.

(103) v. 14. (104) v. 17.

(105) v. 18. (106) v. 19.

(107) vi. 9. (108) vi. 21.

(109) iii. 5. (110) xii. 13.

The nature of a republic is to have a small territory; without this it can hardly subsist. In a large republic, the common good is sacrificed to a thousand considerations—in a small one it is better understood.(111) A monarchical state ought to be of a middling size; a large empire implies a despotic form of government, without which its unity cannot be maintained.(112) Governments of one are generally in fertile, and governments of several in barren countries.(113) The condition of nations conquered by a people having either a democratic or an aristocratic government is bad.(114) The necessary state of a conquering monarchy, is frightful luxury in the capital, misery in the surrounding provinces, abundance in the new acquisitions.(115) Immense conquests imply despotism. They can only be effected with the assistance of a prætorian guard, ready to suppress revolt at home.(116) A monarch who knows each of his provinces may establish different laws, or maintain different customs; but a despot knows nothing, and attends to nothing. He must, therefore, have a uniform and unbending rule, which permits no local diversities.(117)

Luxury is necessary in monarchies, and also in despotisms: republics are destroyed by luxury, monarchies by poverty.(118) The less luxury there is in a republic, the more it approaches perfection. In proportion as luxury is established in a republic, the minds of the people are turned to their individual interest.(119) Dowries ought to be considerable in monarchies, and of middling amount in republics; while, in despotic states, they ought scarcely to exist, as in these the women are almost slaves.(120) In republics, the taxes are almost always collected directly by

(111) viii. 16. (112) *Ib.* 17, 19, 20.

(113) xviii. 1. (114) x. 7.

(115) x. 9. This description is probably intended to represent the effect produced upon France by the conquests of Louis XIV.

(116) x. 16.

(117) vi. 1. The first part of this description refers to France. It is difficult to conjecture to what the second part refers, as there are great diversities in the provincial governments of the Oriental despotisms.

(118) vii. 5. (119) vii. 2. (120) vii. 15.

the government; in despotic and monarchical states they are generally farmed out.([121]) In the government of one, trade is usually founded upon luxury: in the government of several, it is more often a commerce of transit. Great commercial enterprises are necessarily mixed with public affairs; hence they suit republics, and not monarchies; as, in the former, merchants rely on the government, and in the latter they distrust it. In a despotic country, men labour rather to preserve than to acquire; in a free country, they labour rather to acquire than to preserve.([122])

With respect to religion, a moderate government is most suitable to Christianity, and a despotic government to Mahometanism.([123]) Within the limits of Christendom, the catholic religion is most suitable to a monarchy, and the protestant religion to a republic.([124])

Many other writers have incidentally laid down general propositions on the characteristics of the several forms of government, similar to those of Montesquieu. Thus Hume, in his *Essays,* declares it to be a general truth in politics, 'invariable by the humour or education either of subject or sovereign,' that free governments, though commonly the most happy for those who partake of their freedom, are the most ruinous and oppressive to their provinces; that the provinces of absolute monarchies are always better treated than those of free states.([125]) It has been further affirmed that the arts and sciences, and also trade, can only flourish under a free government,([126]) and that, the arts and sciences can only arise in a free state; but that, when they have once arisen, they may be transplanted into a state of any political form; and that a republic is most favourable to the growth of the sciences, and a civilized monarchy to that of the

(121) xiii. 19. (122) xx. 4.

(123) xxiv. 3. (124) *Ib.* 5

(125) Part i. *Essay* 3, 'That Politics may be reduced to a Science.'

(126) See Hume, part i. *Essay* 12, 'Of Civil Liberty,' who controverts these positions.

arts.(127) Again, it has been said that in a republic there must in general be more orators, historians, and philosophers, and in a monarchy more poets, theologians, and geometers.(128) It has likewise been asserted, that none but a free government can maintain a maritime superiority.(129) M. de Tocqueville also, in his work on the United States, has, in assigning the general characteristics of democracy, carried this mode of reasoning to great lengths. Thus, he thinks that a democratic people has a tendency to pantheistic opinions, and to the use of abstract terms; that in art, it prefers cheap and perishable productions, and that in poetry it loves a wild and monstrous style of fiction. He even goes so far as to affirm that, in an aristocracy, every person has a single object, which he pursues without cessation: whereas, in a democratic society, each person usually follows several objects at the same time.(130)

These examples show in detail the manner in which the characteristics of each of the three forms of government have been laid down by political philosophers. The propositions are in an abstract and absolute form; they have, in their mode of expression, all the generality of a mathematical theorem; there is nothing to suggest any qualification, or to indicate the necessity of limiting them according to time, place, or people. For example, when Montesquieu declares that luxury is necessary in monarchical and despotic states, whereas republics are destroyed by luxury; and again, when he says that the nature of a republic

(127) *Ib. Essay* 14, 'Of the Rise and Progress of the Arts and Sciences.'

(128) 'Il doit y avoir en général dans une république plus d'orateurs, d'historiens, et de philosophes, et dans une monarchie plus de poëtes, de théologiens, et de géomètres. Cette règle n'est pourtant pas si absolue, qu'elle ne puisse être altérée et modifiée par une infinité de causes.'—D'Alembert, *Discours Préliminaire de l'Encyclopédie; Œuvres*, tom. i. p. 297.

(129) 'All history shows that, for maintaining a superiority at sea, the government at home must be, if not a free, at least a popular one.'—Lord Nugent's *Memorials of Hampden*, vol. i. p. 129.

(130) *La Démocratie en Amerique*, tom. iii. p. 59, 100, 135; tom. iv. p. 122. Compare some remarks on these and other of M. de Tocqueville's generalizations, in the author's *Essay on Authority in Matters of Opinion*, p. 412-5.

is to have a small territory, whereas a large empire implies a despotic form of government,—the propositions are couched in as general terms as propositions in mechanics and optics, descriptive of the properties of solid bodies and of light.

§ 7 It is not consistent with the object of this inquiry to analyze in detail the general propositions which have been cited; but, for the purpose of trying this method of reasoning, let any body make a list of states, ancient and modern, divided by periods according to the changes of government; and let him arrange these under the heads of the author's own classification, being mindful, for example, that if he is examining Montesquieu's theorems, he draws the distinction between despotisms and monarchies, between monarchies and republics, and between aristocracies and democracies, according to a uniform principle. If he then tests these propositions by the various instances in his list, he probably will arrive at the result, that the distinctions are, for the most part, founded on the generalization of one or a few cases, without such a previous dissection as warrants the inductive extension.

Without, however, attempting to analyze the particular characteristics of the forms of government assigned by Montesquieu and other writers, we will proceed to inquire, by more direct means, whether the method which they have adopted is sound, and whether the mode of reasoning which they have employed can lead to correct results. If it should appear that their method is sound, it might lead to correct results in different hands, even if their results should be for the most part incorrect; on the other hand, if it should appear that their method is unsound, it ought not to be used, even if the results obtained by it should, in a few cases, have accidentally turned out to be correct. With this view, we will first attempt to classify the several forms of government under their proper heads, and then examine how far their consequences admit of a general expression.

Despotic or absolute monarchy has been the prevailing government of the human race; the communities under an aristocratic or democratic government have always been a numerical minority (though in importance sometimes the most eminent

part) of mankind.(131) Until the establishment of the Greek oligarchies, after the cessation of the heroic royalty, no republican form of government, no government in which the sovereign power was legally shared by several persons, had existed in the world.(132) The Oriental form of government—the type of the most advanced social system at the birth of Hellenic civilization—was purely monarchical.(133) The Asiatic monarch was as absolute a master of his subjects, as a Greek or Roman free citizen was of his slaves. He had an entire dominion over them. He could deal with them as if they were his goods or chattels, as if they were the passive instruments or insentient objects of

(131) Locke (*On Government*, b. 2, § 105) considers monarchy as the original form of government; and he proceeds to assign the reasons of this fact, § 107.

'Il sembleroit que la nature humaine se soulèveroit sans cesse contre le gouvernement despotique; mais, malgré l'amour des hommes pour la liberté, malgré leur haine contre la violence, la plupart des peuples y sont soumis. Cela est aisé à comprendre. Pour former un gouvernement modéré, il faut combiner les puissances, les régler, les tempérer, les faire agir; donner, pour ainsi dire, un lest à l'une pour la mettre en état de resister à une autre; c'est un chef-d'œuvre de législation, que le hasard fait rarement, et que rarement on laisse faire à la prudence. Un gouvernement despotique, au contraire, saute, pour ainsi dire, aux yeux; il est uniforme partout: comme il ne faut que des passions pour l'établir, tout le monde est bon pour cela.'—Montesquieu, *Esprit des Lois*, v. 14.

(132) According to Aristotle, *βασιλεία* was the universal primitive form of government. *καὶ τοὺς θεοὺς δὲ διὰ τοῦτο πάντες φασὶ βασιλεύεσθαι, ὅτι καὶ αὐτοὶ οἱ μὲν ἔτι καὶ νῦν, οἱ δὲ τὸ ἀρχαῖον ἐβασιλεύοντο.*—*Pol.* i. 2. Compare Plat. *Leg.* iii. 4. p. 681. Cicero makes the same statement: 'Omnes antiquæ gentes regibus quondam paruerunt.—*De Leg.* iii. 2. Likewise Sallust, *Catil.* 2: 'Igitur initio reges (nam in terris nomen imperii id primum fuit) diversi,' &c. Justin, i. 1: 'Principio rerum, gentium nationumque imperium penes reges erat.' Compare Augustin, *Civ. Dei*, iv. 6.

According to Polybius, the earliest government was monarchy, afterwards improved into royalty (vi. 5). Tacitus says that kings succeeded the golden age (*Ann.* iii. 26); Seneca, that they governed during that period (*Epist.* 90, § 3-5). All these writers refer to absolute kings. Machiavel (*Disc.* i. 2) conceives mankind as first living dispersed, in a brutish state, and afterwards forming a government, by chusing the best man as monarch, whose descendants degenerated into tyrants. Zachariä (*Vom Staate*, vol. iii. p. 97) considers absolute monarchy as the only *natural* government. All other constitutions are, he thinks, the work of *art*.

(133) 'In the more early ages of the world, whilst the forest that covered Europe afforded a retreat to a few wandering savages, the inhabitants of Asia were already collected into populous cities, and reduced under extensive empires, the seat of the arts, of luxury, and of despotism.'—Gibbon, *Decl. and Fall*, c. 8. Speaking of inventions, Pliny says: 'Regiam civitatem Ægyptii, popularem Attici post Theseum.'—*H. N.* vii. 57; which passage implies that the Greeks first established a popular government.

his will.([134]) The same was the character of the Mexican and Peruvian governments under their native princes; and such is the character of all Oriental governments at this day, as well as of all other barbarous communities which enjoy the advantages of a regular government. Such, too, was substantially the character of the semi-Oriental kingdoms governed by the successors of Alexander; of the continental governments of Europe during the seventeenth and eighteenth centuries; of the government of Russia, and of the empire of Napoleon.

When the Greek communities had established their political system, they were for the most part governed according to oligarchical or democratic forms—despotism being abhorrent to the Greek sentiment and custom, and submitted to only from necessity. The same system of government prevailed throughout the states of Italy, and it lasted until the extraordinary changes produced by the conquests of Rome, and the formation of its vast empire, necessitated also a change of political system. The republican government of Rome became first in substance, and

(134) The similarity of a master of slaves to a *τύραννος* or despot is pointed out by Plato, *Rep.* ix. 5, p. 578; and by Aristotle, *Eth. Nic.* v. 10; viii. 12. *τὴν ἐλευθερίαν καὶ τὸ μηδένα ἔχειν δεσπότην αὐτῶν, ἃ τοῖς πρότερον Ἕλλησιν ὅροι τῶν ἀγαθῶν ἦσαν καὶ κανόνες, ἀνατετραφότες*, are the words of Demosth. *Cor.* p. 324. Antipater (says Plutarch) was *κακὸς δεσπότης καὶ τύραννος*.—*Phocion*, c. 29. Inasmuch as it was the constant aim of Augustus to exercise the substance of supreme power, without its form or appearance (above, ch. iv. § 3), he objected strongly to the title *dominus*, which would have implied that he stood in the same relation to the people, in his capacity of ruler, as a master stood to his slaves. 'Domini appellationem, ut maledictum et opprobrium, semper exhorruit.'—Sueton. *Oct.* c. 53. Tiberius followed the example of Augustus.—Sueton. *Tib.* c. 27; and see Pliny, in his *Panegyric of Trajan*, c. 2. 55. Alexander Severus likewise refused the title of *dominus*.—Ælius Lamprid, c. 4. The Roman emperor is, however, called *ὁ κύριος* by Festus, in Act. Apost. xxv. 26. 'The epithet of *dominus*, or lord (says Gibbon), in its primitive signification, was expressive, not of the authority of a prince over his subjects, or of a commander over his soldiers, but of the despotic power of a master over his domestic slaves. Viewing it in that odious light, it had been rejected with abhorrence by the first Cæsars. Their resistance insensibly became more feeble, and the name less odious; till, at length, the style of *our Lord and Emperor* was not only bestowed by flattery, but was regularly admitted into the laws and public monuments.'—*Decline and Fall*, c. 13. 'Julian absolutely refused the title of *dominus*, or *lord*, a word which was grown so familiar to the ears of the Romans, that they no longer remembered its servile and humiliating origin.'—*Ib.* c. 22. The application of the word *dominus* to political or social superiors by the Romans is illustrated by Selden, *Titles of Honour*, part i. c. 4, § 1; and by the Abbé de la Bleterie, *Hist. de Jovien*, tom. ii. p. 99.

afterwards in form, a despotic monarchy; and as the Roman empire now included every community partaking of the Hellenic civilization, republican government was everywhere extinguished, and the whole world was governed by purely monarchical forms. After a time, however, the traditions of the Roman municipal institutions, combined with the activity produced by commercial wealth, led to the formation of independent town communities in Italy, Germany, Switzerland, and the Low Countries. These subsisted for some time, with a considerable variety of oligarchical and democratic forms,(135) until most of them were at length incorporated with monarchical states, or changed into a monarchical regimen. The wars of the French revolution, and the conquests of Napoleon, nearly completed the work which remained unfinished, so that the Swiss cantons, Frankfort, and the Hanse Towns, are the only subsisting remains of the republican communities of mediæval origin.

The chief exemplar of free, and (properly speaking) of republican government, in modern times, is to be sought in England.(136) The struggle between the crown and the parliament, which first assumed a serious character in the reign of Charles I., which produced the civil war, and which was not finally settled till the revolution of 1688, was substantially a contest for the sovereign power. It was the aim of the crown, on the one hand, to assume the entire functions of government, both legislative and executive, as they were assumed by the continental kings, whose countries, like England, had feudal constitutions of estates. It was the aim of the parliament, on the other hand, to establish the practical principle, that no tax could be levied, and no law made, by the crown alone, without the consent of the two houses. This principle having been irrevocably established at the revolution of 1688, the constitution, which had been previously unsettled, became unquestionably a parliamentary

(135) For a detailed description of the constitutions of the free towns of the middle ages, see Raumer, *Geschichte der Hohenstaufen*, vol. v.

(136) That a *republican* is properly a *non-despotic* government—a government in which the supreme power is shared by several, whether few or many, and whatever may be the title of the head of the state—is shown above, ch. iv. §§ 3 and 4.

constitution. The king, therefore, was properly not a monarch; though exempt from legal responsibility, his legal powers were limited,(137) and the government, though called monarchical, was, in strictness of speech, republican, because the sovereign power was shared by a body of persons.

England, however, did not exhibit a specimen of free, or (as we have called it) republican government merely on her own soil. Various colonies were planted by English settlers in North America and the West India Islands in the seventeenth and eighteenth centuries, and these, for the most part, received charters for their local government, founded on the plan of municipal government established in our boroughs. The model constitution of the English borough, in the form which it had assumed in the seventeenth century, consisting of a common council, with a court of aldermen, was thus transferred to the English colonies, and became the general type of the colonial constitution. Hence arose the house of assembly and the legislative council—the former appointed by the election of the colonists; to which was added, a governor appointed by the crown. The constitution thus formed in many of the colonies of English settlement resembled the triple division of the English constitution—king, lords, and commons; but the resemblance was accidental, inasmuch as the origin was different.

This constitution existed in the North American colonies at the time of their separation from the mother-country. The temporary confederation which they had formed for the purpose of carrying on the war against England was converted into a permanent federal system; but the local institutions of each state remained substantially unchanged, with such modifications only as the transition from a lax dependence to independence rendered necessary.

The revolutionary changes in France, accomplished in 1789

(137) 'L'Angleterre est à present le plus libre pays qui soit au monde, je n'en excepte aucune république; j'appelle libre, parce que le prince n'a le pouvoir de faire aucun tort imaginable à qui que ce soit, par la raison que son pouvoir est contrôlé et borné par un acte.'—Montesquieu, *Notes sur l'Angleterre*, tom. vi. p. 269.

and the following years, and extended by conquest to other continental countries, produced nothing durable in political forms. Since the peace of 1815, parliamentary governments have been established in France, Holland, Belgium, Saxony, Wirtemberg, Spain, Portugal, and Greece, not derived from native models, but imitated from the English constitution. In 1848, the French constitution was converted into a copy of the American model; and constitutions have since been introduced or promised in other European states, founded partly on English and partly on American institutions. The system of the United States has likewise served, in general, as the model of the independent states formed out of the Spanish colonies on the same continent.

From the experience of different forms of supreme government thus obtained, can we affirm that despotic monarchy on the one hand, and free or republican government on the other, are attended respectively with certain constant and peculiar effects? Can it be said that all monarchies, or all republics, produce the happiness or misery, the wealth or poverty, the intelligence or ignorance, of the people, in the same sense in which it can be said that all fire produces heat, and that all cold of a certain degree freezes water?

Now, on considering in succession each of the despotic monarchies which have been enumerated, and observing its character throughout its existence, we shall find it very difficult to discover, by a strict logical process, such as has been exemplified in a former chapter, any constant causation: we shall scarcely be able to say that every despotic monarchy produces a certain effect. We shall scarcely be able to detect any characteristic influence which we can predicate of the Persian monarchy of Darius and Xerxes, of the Greek despotisms, of the monarchy of the Ptolemies, of the Roman empire, of the monarchy of ancient Mexico, of the Italian mediæval despotisms, of the monarchies of the Arab kaliphs, the Indian moguls, the Persian shahs, and the Turkish sultans, of the monarchies of Philip II., Louis XIV., Frederic the Great, and Napoleon. We cannot say that all these governments, at every period of their existence,

were either good or bad, strong or weak, enlightened or ignorant, stable or unstable, favourable or unfavourable to science, arts, and literature, or to trade, manufactures, and agriculture; that they all relied on military support, or not; that they were all fond of war and conquest; that they were all faithless or true to international engagements; that they all protected person and property, effectually or ineffectually; that they all established private rights and duties of a peculiar character; that they all treated their dependencies with harshness or lenity. When we have applied to these governments the Method of Agreement, and have stripped them of all that they have not in common—when we have removed race, religion, climate, geographical position, national manners and morals, state of the arts, personal character of the monarch or his ministers, and other similar influences, together with their respective effects, we shall find it very difficult to trace a constant and universal sequence between the despotic form of government and any other phenomenon. Assuming that we designate despotic monarchy by *A*, and the other influences just mentioned by other capital letters, then we shall certainly have *ABC* and *bc*, *ABD* and *bd*, *ACF* and *cf*, and so on: but the difficulty will be, to discover with certainty a phenomenon, *a*, in constant connexion with *bc*, *bd*, *cf*, *&c.*, which can be fairly considered the mere consequence of the form of government; which not only occurs in each complex case, but which, when analytically examined, can be satisfactorily traced to this source.

If, indeed, we break down the whole mass of despotic governments into smaller groups, and take, for example, all the Oriental or all the Greek despotisms separately; or if we take the successive rulers in one monarchy, as in the Roman empire, we may find it easier to discover such a constant connexion. At the same time it is more difficult, in a problem thus shaped, to eliminate the effects of other possible causes, inasmuch as the limitation of the form of government to a class having several attributes in common, prevents a clear distinction being made between the effects of the despotism and those of its invariable concomi-

tants. Speculators on the forms of government have, in fact, generally treated the problem in this manner; and though they have used a generic term, they have considered it as designating a limited species, which served in their mind as a representative of the entire genus. Their universal idea was embodied in a real type. Thus, Aristotle, in describing the characteristics of oligarchy and democracy, has in his mind exclusively the oligarchies and democracies of the small states, which existed at and before his time on the coast of the Mediterranean. Montesquieu, again, in speaking of *despotisms* and *monarchies*, appears to have mainly in view the Oriental despotisms and the French monarchy of his own time.(138) So M. de Tocqueville, in treating of democracy, confines his regards almost exclusively to the United States, without thinking of the democracies of antiquity and of the middle ages. We shall say more upon this mode of investigating this problem in the next chapter, when we come to the consideration of theories of limited application.

If, in considering the three forms of government (monarchy, aristocracy, and democracy), we confine ourselves to what is strictly involved in the idea of each, namely, the proportionate number of persons who share in the sovereign power; and if we then attempt to lay down general theorems upon the characteristics of each, we shall find that the mere numerical difference in the governors is a narrow foundation for such inferences. If we are investigating the character of a severe or a mild system of punishments, of a free or restricted system of trade, of a direct or indirect system of taxation, we may reasonably expect that the effects of each system would be different; but are we entitled to expect that the conduct of one man will, uniformly or generally, be different from that of a few men, or that the conduct of a few men will, uniformly or generally, be different from that of many men, all other circumstances in which they

(138) See, for example, the chapter of the *Esprit des Lois*, on the delegation of power, (v. 16,) where the contrast between despotisms and monarchies, though expressed in general terms, is, in fact, between the satrapical system of the Oriental states, and the provincial government of the old French monarchy.

are respectively placed, save their numerical ratio to the community, being supposed to be identical? Again: are we entitled to expect, upon the same supposition, that the conduct of different men, though their numerical ratio to the community may be similar, will always be the same. Unless we can make these two assumptions, it is impossible to lay down any universal attribute of monarchy, of aristocracy, and of democracy, considered as governments in action, and influencing the condition of the community. Unless we can affirm that, other circumstances being the same, the ruling one will always act differently from the ruling few or many; that the ruling few will always act differently from the ruling one or many; that the ruling many will always act differently from the ruling one or few; and, again, unless we can affirm that all persons standing respectively, in the relation to the community, of the ruling one, few, or many, whether simultaneously in different states, or successively in the same state, will always act in the same manner, we cannot infer that any constant operation belongs to either form of government. Before we can arrive at universal propositions on this subject, we must be able to say, not only that every monarch, and every oligarchical and democratic body, will, in the same position, respectively act in a different manner if compared with one another, but also that every monarch and every oligarchical and democratic body will, in the same position, respectively act in the same manner if compared with themselves. For example, if the political community is represented by the number 500,000, then we must assume not only that one ruler, 500 rulers, and 250,001 rulers would, in similar circumstances, always act differently from each other, but that the successive persons in the position of the one ruler, the 500 rulers, and the 250,001 rulers would, in similar circumstances, always act in the same manner as their predecessors; and also, that persons standing to other communities in the same relation as the one ruler, the 500 rulers, and the 250,001, would all act respectively in the same manner, when placed in similar circumstances.

Now the proposition, already adverted to, that 'human nature is always the same,' might lead us to expect that every monarch, and every oligarchical and democratic body, would, in the same circumstances, act in the same manner. But it could not lead us to expect that the mere variation in the numerical ratio to the community would lead the ruling one, few, and many, always to act differently from each other, when placed in similar circumstances. On the contrary, it would rather indicate the probability that their conduct would respectively be similar.(139)

The question, therefore, resolves itself into this—whether, all the circumstances in which the ruling one, few, or many, are placed (with the necessary exception of their numerical relation to the community) being supposed to be identical, we can affirm that they will severally act in a certain manner; and whether, therefore, we can lay down any constant and invariable characteristics of monarchy, aristocracy, and democracy? Does the variation in the numerical ratio of the rulers to the community necessarily involve corresponding variations in the character of the government? As the index in the scale moves along from one to the opposite extreme, indicating the sum of the community, can we predicate a simultaneous change in the operation of the government, as we can point to certain constant changes in outward nature as the thermometer rises from zero to temperate, and from temperate to summer heat?

When the problem is presented in this form, we see that it admits of no universal solution. Nobody can persuade himself that a uniform and invariable character can be separately traced

(139) The reasoning of Spinoza, in his *Tractatus Politicus*, c. 7. § 27, implies that the few and the many would not act differently if placed in the same circumstances. It is, he says, a frequent mistake to confine to the populace the vices which are common to all men. Human nature is the same in all. We are deceived by power and culture. 'Atque hæc quæ scripsimus, usu forsan excipientur ab iis, qui vitia, quæ omnibus mortalibus insunt, ad solam plebem restringunt; nempe quod in vulgo nihil modicum, terrere ni paveant, et quod plebs aut humiliter servit aut superbe dominatur, nec ei veritas aut judicium, etc. At natura una et communis omnium est. Sed potentiâ et cultu decipimur,' &c. Spinoza here refers to Tacit. *Ann.* i. 29: *Hist.* i. 32; ii. 29: Livy, xxiv. 25.

in all monarchies, all aristocracies, and all democracies—that every monarch exactly resembles every other monarch—and that every aristocratic or democratic body is the exact counterpart of every other such body. Let us, then, lay aside this inquiry, and attempt to render the problem more tractable, by omitting to look for absolute effects, and seeking only for tendencies—by substituting a presumptive proposition for one declaratory of invariable consequences.

Without, therefore, looking for invariability of actual effects, we may ask whether the influence of the numerical relation of the rulers to the community, of the interests, feelings, subordinate institutions, usages, and manners, which that relation engenders, is so decisive and powerful as to outweigh the variety of human character and disposition, and to impel all monarchs, and all aristocratic and democratic bodies respectively, in the same direction, though the impulse may be often counteracted or accelerated, or otherwise modified?

§ 8 It is, perhaps, difficult to maintain that all monarchs and all aristocratic and democratic bodies are, by the mere force of their position, and by the circumstances in which they are necessarily placed with respect to the community, urged to adopt a certain course of conduct. Nevertheless, a broad line may be drawn between all despotic or absolute monarchies on the one hand, and all republics, or governments of several (whether aristocracies or democracies), on the other, in respect of the position of the rulers.(140) The despotic monarch, being alone, and legally uncontrolled, has the utmost facilities for abuse of

(140) According to Plato (*Leg.* iii. 12, p. 693) there are two parent governments—monarchy and democracy. The Persian government is the type of the former, the Athenian of the latter. All other governments are variations from these two.

Sir W. Temple has a similar observation:—'Though the old distinctions run otherwise, there seem to be but two general kinds of government in the world; the one exercised according to the arbitrary commands and will of some *single person;* and the other according to certain orders or laws introduced by agreement or custom, and not to be changed without the consent of *many.*'—*Essay upon the Original and Nature of Government; Works,* vol. ii. p. 30. See also Montesquieu, quoted above, p. 50, n. 74. The government of an absolute prince is contrasted with popular government generally in Eurip. *Med.* 119-30.

power. The only restraints upon him are his own humanity, sense of justice, moderation, and prudence, the influence of relations, friends, favourites, advisers, and of public opinion, and the fear of offending powerful persons or bodies. A republican body, on the other hand, however composed, and whether consisting of few or many persons, is, indeed, considered in its corporate capacity, as free from legal control as the despotic monarch; but the persons who compose it, not being individually sovereign, act as legal checks upon one another, and control each other's conduct, not only by their mutual opposition and dissent, but also by their want of sympathy in the passions and appetites of the others. This effect is produced even in a small number; so that, as long as the republican constitution can be preserved, in reality as well as in form, and a substantial division of the sovereign power among co-ordinate members of a body can be maintained, there is a legal restraint upon the conduct of each person, which never can exist in the case of a despotic monarch. No single member of a sovereign body can exercise the supreme power for his own personal gratification. In whatever abuses of power the body may indulge, they must be for a common advantage, real or supposed. Whereas a single despotic ruler may seize women, destroy life vindictively or capriciously, and use the powers of government for satisfying his sensual appetites, his frivolous fancies, or his love of selfish amusement. Gratifications of this sort are essentially individual; the cruelties, the lusts, the caprices, the follies, of a Caligula, a Nero, a Commodus, a Helagabalus, an Eccelino, a Cæsar Borgia, a Tamerlane, a Nadir Shah, or a Louis XV., cannot be put in commission.

An absolute monarch is, as such, necessarily, and by the force of his position, free from all legal restraint or control in every relation of life.(141) Every command of his is legally binding, and he is subject to no law; he is, according to the Roman expression with respect to their princeps or emperor, *legibus solutus*. On the other hand, it is of the essence of the

(141) The divorce of Josephine by Napoleon affords a good example of the immunity of the despotic monarch from obligations which would

republican form of government, that every member of the ruling body is, in his private relations, subject to the laws of the country. He has a share of the sovereign power, and, when he acts as a member of that body, his conduct is, like that of the absolute monarch, free from legal restraint: but when he acts in any other capacity, and as a mere private person, he is amenable to legal obligations and sanctions. In accordance with the monarchical principle, the constitutional government of England retains the maxim, that 'the king can do no wrong:' that is to say, the king can commit no breach of positive law, and is not subject to the jurisdiction of any tribunal. The king of England, though he might kill a person, could not commit murder or manslaughter: though he might take away the goods of another, he could not commit a theft. But the maxim, though it is a historical memorial of the monarchical theory of the constitution of England, is practically nullified by the restraints upon the legislative and executive power of the crown, and by the doctrine, that the ministers of the king's will are legally responsible for their acts. The crown is likewise, by a fiction of law, subject to the jurisdiction of the civil courts.

From this difference, inherent in the constitution of all monarchies and all republics, it may be inferred that the despotic or purely monarchical government has a stronger tendency to a misuse of the supreme power than a free or republican government, and that this tendency can only be counteracted by extraordinary moral qualities in the despot. That such exceptions were rare in antiquity, may be collected from the universal dread with which a despot was regarded—a master of the commonwealth, who could treat all the citizens as the citizens treated

bind the mere member of a sovereign body. Henry VIII., who assumed to be a despotic prince, furnishes another instance.

Clytæmnestra, in the tragedy of Seneca, thus addresses Ægisthus, in reference to Agamemnon and Cassandra:—

'Permisit aliquid victor in captas sibi,
Nec conjugem hoc respicere, nec dominam decet.
Lex alia solio est, alia privato in toro.'

Agam. 262-4.

their slaves.(142) They may, however, occur, as is proved by the reigns of Nerva, Trajan, Hadrian, and the Antonines, which Gibbon considered the happiest period of the human race;(143) and by the examples of other beneficent despots in the European states during the eighteenth century.

Some other circumstances may be mentioned which are common to all despotic monarchies, as distinguished from all republican governments, and are characteristic of unity as opposed to plurality of rulers. One of these is the dependence of the entire sovereign power upon a single life, and the consequent inducement to consummate treason by the assassination of the monarch.(144) All despotic princes have been peculiarly liable to attacks upon their life, from the Greek despots, whom it was the noblest feat of civic virtue to remove by the universally-eulogized act of tyrannicide,(145) to the Italian signori,

(142) Thucydides considers εὐνομία, or good government, as implying the absence of despotic power.—i. 18. See above, p. 62, n. 134.

(143) Speaking of the two Antonines, Gibbon says:—'Their united reigns are possibly the only period of history in which the happiness of a great people was the sole object of government.' Afterwards he adds: 'If a man were called to fix the period in the history of the world, during which the condition of the human race was most happy and prosperous, he would, without hesitation, name that which elapsed from the death of Domitian to the accession of Commodus.'—*Decline and Fall*, c. 3.

A similar opinion had been previously expressed by Fielding: 'Mankind have never been so happy, as when the greatest part of the then known world was under the dominion of a single master; and this state of their felicity continued during the reigns of five successive princes (Nerva, Trajan, Adrian, and the two Antonini). This was the true æra of the golden age, and the only golden age which ever had any existence, unless in the warm imaginations of the poets, from the expulsion from Eden down to this day.'—*Tom Jones*, b. xii. c. 12.

(144) Compare Spinoza, *Tract. Pol.* c. 7, § 14, 23: Præterquam quod cito perit, quem sui milites salvum esse nolunt, certum est regibus (*i. e.*, absolute princes) summum semper periculum esse ab iis, qui eis proximi sunt. Quo magis absolute imperii jus in unum translatum est, eo facilius ipsum ex uno in alium transferri potest.'

(145) 'Ad generum Cereris sine cæde et sanguine pauci
Descendunt reges, et siccâ morte tyranni.'
Juv. x. 112.

With respect to attacks upon the person of the despot in the Greek despotisms, and their motives, see Aristot. *Pol.* v. 10. The frequency of conspiracies to assassinate an absolute prince is commented on by Machiavel, *Disc.* iii. 6. See the curious account in Plutarch, *Dion.* c. 9, of the precautions against assassination adopted by Dionysius the Elder.

Speaking of the Mameluke dynasty in Egypt, Volney says: 'Le pre-

the Turkish sultans, and the Russian emperors.(146) The reigning prince is peculiarly exposed to this danger from his nearest relations, and hence the system of sanguinary ostracism for members of the monarch's family in despotic states.(147) Now the plurality of rulers is a powerful obstacle to all designs of assassination: they are rarely assembled in one place, so as to afford an opportunity for such an attempt as that meditated by Guy Fawkes

mier chef qu'ils élurent, ayant occupé cet esprit turbulent à la conquête de la Syrie, il obtint un règne de dix-sept ans; mais depuis lui pas un seul n'est parvenu à ce terme. Le fer, le cordon, le poison, le meurtre public, ou l'assassinat privé, ont été le sort d'une suite de tyrans, dont on compte quarante-sept dans un espace de deux cent cinquante-sept ans.'—*Voyage en Egypte et en Syrie*, tom. i. p. 86. This gives an average of about five years and a half to each.

(146) The French monarchy of the eighteenth century was described as a 'monarchie absolue, limitée par des épigrammes.' Mdme de Staël applied this description to the Russian government, by saying that it was a 'monarchie absolue, limitée par l'assassinat.'

(147) The frequency of murders of kinsmen, in the families of the successors of Alexander, is mentioned by Plutarch, *Demetr*, c. 3. Tacitus speaks of 'fratrum, conjugum, parentum neces,' as being customary to absolute kings, especially with reference to the east.—*Hist.* v. 8.

Bang, a narcotic drug which destroys the intellect, was given by the Hindus to children of the blood royal, in order to render them incapable of ruling: they said that this was less inhuman than killing them, as in Turkey, or than blinding them, as in Persia.—Chardin, *Voyages en Perse*, tom. iv. p. 79 (ed. 1811). All male children of the blood royal are blinded in Persia, which is thought more humane than putting them to death, as in Turkey. All persons of the blood royal, particularly the males, are kept in perpetual captivity.—*Ib.* tom. v. p. 241, 244.

On the practice of blinding the king's male relations, and of putting them to death on the slightest suspicion, Tavernier, liv. v. c. 9. The Oriental princes may be compared with the series of priests of Aricia, described by Ovid, each of whom obtained the office by killing his predecessor:

'Regna tenent fortesque manu pedibusque fugaces,
Et perit exemplo postmodo quisque suo.'

Fast. iii. 271.

Spinoza remarks that kings (*i. e.*, absolute princes) fear their sons.—*Tract. Polit.* c. 6, § 7. Compare Gibbon's account of the fears entertained by Constantine of his son Crispus, and his execution by his father's command.—*Decl. and Fall*, c. 18.

Measures of this kind are prompted by the fear of dethronement or assassination. 'Fear (says Plutarch), is the great incentive to bloodshed in absolute monarchies:' ἡ γὰρ δειλία φονικώτατόν ἐστιν ἐν ταῖς τυραννίσιν.—*Artaxerx.* c. 25. So Gibbon remarks, alluding to Justinian the Second, in the seventh century: 'Since the days of Commodus and Caracalla, the cruelty of the Roman princes had most commonly been the effect of their fear.'—c. 48.

and his associates,(148) and a massacre on a large scale is a difficult enterprise. In order that the members of a republican body, whether aristocratic or democratic, should admit of being easily cut off at one blow, it would be necessary to realize the wish of Caligula with respect to the Roman people, and to give the composite body only one neck.(149) A *persona moralis* may in general defy the dagger or the pistol.

Another circumstance necessarily connected with the numerical relation of despotic monarchies is the mode of succession. A republican body is a *persona moralis,* and it is capable of renewal by the successive substitution of members, as vacancies from time to time occur. Hence, there is not necessarily any complete change in the entire number of the persons composing the government; a supreme body may thus last for centuries, prolonged in a perpetual stream, without any solution of continuity. A despotic monarchy, however, is renewed in its entirety at the death or removal of each successive monarch: the chain is formed of single links, and is broken as each link is snapped. Hence, in absolute monarchies, the succession is always a critical moment, by whatever principle, whether inheritance or choice, it may be determined. As the entire sovereign power is in abeyance until it is assumed by a new monarch, there is nothing to facilitate the transfer of the insignia of empire, while the inducement to impede the institution of the successor is at its maximum. The fiction of the English law with respect to a corporation sole, can be applied without difficulty to a succession of bishops or deans; but when a succession of supreme rulers is in question, the practical difference between a corporation sole and a corporation aggregate is all-important.(150)

(148) Nero threatened to extirpate the entire order of senators: 'Multasque nec dubias significationes sæpe jecit, ne reliquis quidem se parsurum senatoribus, eumque ordinem sublaturum quandoque e republicâ.' —Sueton. *Nero*, c. 37.

(149) 'Infensus turbæ faventi adversus studium suum, exclamavit, Utinam Populus Romanus unam cervicem haberet.'—Suet. *Calig.* c. 30. According to Dio Cassius, (lix. 30,) those who were present at the assassination of Caligula reminded him of his wish, saying, that he had only one neck, whereas they had many hands.

(150) Speaking of the right of succession in a despotic state, Montes-

It may be added, that the eulogies which numerous politicians, of widely different schools, have, from the very dawn of political speculation, bestowed upon a *mixed government*,(151) are a

quieu says: 'Chaque prince de la famille royale ayant une égale capacité pour être élu, il arrive que celui qui monte sur le trône fait d'abord étrangler ses frères, comme en Turquie; ou les fait aveugler, comme en Perse; ou les rend fous, comme chez le Mogol; ou, si l'on ne prend point ces précautions, comme à Maroc, chaque vacance de trône est suivie d'un affreuse guerre civile. Par les constitutions de Muscovie, le czar peut choisir qui il veut pour son successeur, soit dans sa famille, soit hors de sa famille. Un tel établissement de succession cause mille révolutions, et rend le trône aussi chancelant que la succession est arbitraire.'—*Esprit des Lois*, v. 14.

'In elective monarchies (says Gibbon), the vacancy of the throne is a moment big with danger and mischief.'—*Decline and Fall*, c. 3. In c. 7, *ad init.*, he shows how this danger is counteracted by a fixed rule of hereditary succession: 'To the firm establishment of this idea, we owe the peaceful succession and mild administration of European monarchies. To the defect of it, we must attribute the frequent civil wars, through which an Asiatic despot is obliged to cut his way to the throne of his fathers.'

On the frequency of bloody successions among the Greek kings after Alexander, see Plutarch, *Demetr.* c. 3. Mr. Mountstuart Elphinstone (*Account of Caubul*, vol. i. p. 232) remarks that, in the Oriental despotisms, a succession is almost always attended by a civil war, with its consequent evils.

(151) The doctrine of a government mixed of the three simple forms was first promulgated by Plato, with reference to the Lacedæmonian constitution. See *Leg.* iii. 11, p. 691—a celebrated passage, and often imitated by the ancient writers. Compare also, *Leg.* iv. 5, p. 712, with respect to the Lacedæmonian and Cnosian constitutions.

Aristotle states that, in the opinion of some, the best form of government is that which is mixed of all the forms; whence they praise the Lacedæmonian constitution, as being compounded of oligarchy, monarchy, and democracy.—*Pol.* ii. 6. Aristotle also shows how the Lacedæmonian constitution is rendered stable by comprehending the kings, the aristocratic class, and the people, *Pol.* ii 9 (δεῖ γὰρ τὴν πολιτείαν τὴν μέλλουσαν σώζεσθαι, &c.); and Polybius refers to the same government as an actual example of a constitution mixed of the three simple forms, which he considers absolutely the best (vi. 3, 10). The same view is to be found in the Doric fragment of the Pseudo-Archytas, Stob. *Florileg.* tit. xliii. n. 134. See the commentary in Orell. *Opusc. Græc. Moral.* vol. ii. p. 666. A similar fragment, attributed to Hippodamus, another Pythagorean philosopher, contains the praise of a mixed constitution.—*Ib.* n. 94.

Polybius likewise eulogizes the Roman government as being mixed of the three forms, (vi. 11,) which view is adopted and fully illustrated by Cicero, in his treatise *De Republicâ*, i. 29, 35, 45; ii. 23. See below, ch. xxii. § 13.

Tacitus considers a government compounded of the three simple forms as an almost unattainable ideal: 'Nam cunctas nationes et urbes populus aut primores aut singuli regunt: delecta ex iis et consociata reipublicæ forma laudari facilius quam evenire, vel si evenit, haud diuturna esse potest.'—*Ann.* iv. 33. It is singular that Tacitus should not have adverted

tribute to the superiority of the republican, or plural, over the despotic, or single principle. In every mixed government, the power of the leading person in the state is tempered by the association of other members, so that the sovereignty is divided, in some shares or proportions, among a *body*. No mixed government can be a despotism or absolute monarchy; its mixture implies, of necessity, the division of the supreme power

to the fact, that the Greek writers in general considered the Lacedæmonian constitution as mixed of the three simple forms, and the Lacedæmonian was the most stable of all the Greek governments. Polybius and Cicero likewise consider the Roman government, in its republican type, as a mixed government.

Aristotle often dwells upon the advantages of a well-tempered constitution, not running into extremes, but forming a just medium between the pretensions of the different classes, and not being an absolute monarchy, or an unmixed oligarchy or democracy. See particularly, *Pol.* iv. 11. Plato likewise says, that a constitution ought to be a medium between monarchy and aristocracy.—*Leg.* vi. 5, p. 756. Dicæarchus, the disciple of Aristotle, wrote on the advantages of a government mixed of royalty, aristocracy, and democracy.—*Fragm. Hist. Gr.* vol. ii. p. 242; Didot.

Plutarch describes Pericles as having tempered the extreme democracy of Athens with an aristocratical and regal element, arising from his personal character and influence.—*Pericl.* c. 15. 'Unmixed' (ἄκρατος) is always a term of censure, when applied by the ancient politicians to a government. See Plutarch, *Cimon,* 15; *Dion,* 12, 53. In the latter passage, it is stated that Dion wished to abolish the unmixed democracy at Syracuse, and to substitute for it an aristocratic constitution, compounded of royalty and democracy, after the Spartan and Cretan model. The speech of Manius Valerius (in Dion. Hal. vii. 55) praises a constitution which is not an unmixed oligarchy or democracy, but is compounded of both. See below, n. 155.

For the praise of a mixed government in modern writers, see Machiavel, *Disc.* i. 2; Paruta, *Perfezione della Vita Politica* (ed. 1582), p. 305; Blackstone, *Com.* vol. i. p. 51; Burlamaqui, *Principles of Polit. Law,* part ii. c. 2, § 35; Paley, *Moral and Pol. Phil.* b. vi. c. 6; Zachariä, *Vom Staate,* vol. iii. p. 8; Bellarmine (*De Rom. Pont.* i. 3, § 1) lays it down that a government mixed of the three forms is, on account of the corruption of human nature, better than a simple monarchy. On the character and working of a mixed government, see also Filangieri, *Scienza della Legislazione,* l. i. c. 11, whose definition points clearly to the division of the sovereign power among a body, in this form of government. Bentivoglio describes the government of Flanders, in the seventeenth century, as composed of the three forms.—*Opere,* tom. i. p. 143; ed. 1806.

It is unnecessary here to inquire into the meaning of those writers who, like Bodinus, (*De Rep.* ii. 1, p. 287,) deny that a mixed government has ever existed. In strictness, indeed, the proposition is true. If the definitions of a monarchy, aristocracy and democracy, exclude one another, a government cannot be more than one of these forms at the same time. A mixed government is an obscure, and, indeed, inaccurate phrase, but it invariably implies that the government has passed from the despotic to the republican type.

among several persons—in other words, it implies the republican principle.

§ 9 From what has been said, it follows that governments of several, whether aristocratic or democratic, have in common those characteristics which belong to a *persona moralis*, invested with supreme power, in contradistinction to a single person, replaced by a single successor. If any peculiar and universal tendency can be predicated of aristocracy and democracy, severally, it must arise, not from the antithesis of unity and plurality, but from the varieties of plurality: it must be connected with the greater or less number of the members of the body, in comparison with that of the entire community. Now, as these numbers may vary along the entire scale, and may either be placed at the opposite ends of that scale, or may approach one another indefinitely, it is manifestly difficult to conceive, that all aristocracies and all democracies respectively are characterized by any constant tendency. If we take an extremely narrow oligarchy, we may presume that the powers of government will be exercised in a partial and oppressive manner. We may presume that the governors will have little sympathy with the body of the people, and that, without indulging individual appetites, caprices, or animosities, they may have in common certain interests, or permanent desires, hostile to the interest of the community at large.(152) But oligarchical bodies, composed of a few persons, generally soon become, either in form or in substance, absolute monarchies. Jealousy of co-ordinate power urges the strongest member of the body to put down his colleagues, as in the Roman triumvirate and the French consulate. Or if they do not end in this manner, their duration is short, like the Thirty at Athens,(153) and the Roman decemvirs. The partition of the

(152) Critias remonstrated with Theramenes for his folly in thinking that the government of the Thirty, at Athens, was not to be conducted on the same principles as a despotism (τυραννίς), Xenoph. *Hellen.* ii. 3, § 16. A close oligarchy is declared in the speech of the Thebans, in Thucyd. iii. 62, to border on a despotism. (On the meaning of δυναστεία, see Aristot. *Pol.* iv. 5.) 'Populi imperium juxta libertatem; paucorum dominatio regiæ libidini propior est.'—Tacit. *Ann.* vi. 42.

(153) Gibbon has remarked that (setting aside the discrepancy of number) no real resemblance exists between the thirty tyrants of Athens,

dominions of Alexander among his generals, and of the Roman empire among rival competitors, proves the difficulty of establishing a very small oligarchy, and the unwillingness of supreme rulers to endure the existence of an equal, unless the ruling body is tolerably numerous.(154) Where the government is democratic,

and the so-called thirty tyrants of Rome, in the third century: 'In every light the parallel is idle and defective. What resemblance can we discover between a council of thirty persons, the united oppressors of a single city, and an uncertain list of independent rivals, who rose and fell in irregular succession through the extent of a vast empire?'—*Decline and Fall*, c. 10.

(154) Thucydides (viii. 89) remarks that, in an oligarchy formed from a democracy, the rivalry of its members, and their intolerance of equality in their colleagues, is the main cause of its destruction. The dissensions of the two co-ordinate Lacedæmonian kings were frequent, and were encouraged, for the purpose of weakening the royal power.—Herod. vi. 52; Aristot. *Pol.* ii. 9; Paus. iii. 1. 6; Plutarch, *Agesil.* 5. Curtius thus speaks of the dissensions of Alexander's generals: 'Sed jam fatis admovebantur Macedonum genti bella civilia. Nam et insociabile est regnum, et a pluribus expetebatur. Primum ergo collegere vires, deinde disperserunt; et quum pluribus corpus, quam capiebat, onerassent, cetera membra deficere cœperunt; quodque imperium sub uno stare potuisset, dum a pluribus sustinetur, ruit.'—x. 28. 'Quando unquam regni societas aut cum fide cœpit, aut sine cruore discessit?'—Minuc. Fel. *Octav.* c. 18. Livy (i. 14) speaks of the 'infida regni societas,' in reference to Romulus and Tatius. 'Insociabile regnum,' (Tacit. *Ann.* xiii. 17,) which expressions are borrowed from Ennius, ap. Cic. *de Off.* i. 8:

——— 'Nulla sancta societas,
Nec fides regni est'

'Non bene cum sociis regna Venusque manent,'
Ovid, *Ars. Am.* iii. 564;

imitated by Senec. *Agam.* 259:

'Nec regna socium ferre, nec tedæ sciunt.'

Compare, *id. Thyest.* 444:

'Non capit regnum duos.'

The jealousy of the triumvirs is repeatedly alluded to, and powerfully described, by Lucan:

'Tu causa malorum
Facta tribus dominis communis, Roma, nec unquam
In turbam missi feralia fœdera regni.' i. 84.

'Nulla fides regni sociis, omnisque potestas
Impatiens consortis erit.' *Ib.* 92.

'Temporis angusti mansit concordia discors,
Paxque fuit non sponte ducum.' *Ib.* 98.

'Tu nova ne veteres obscurent acta triumphos,
Et victis cedat piratica laurea Gallis,
Magne, times: te jam series ususque laborum
Erigit, impatiensque loci fortuna secundi.
Nec quemquam jam ferre potest, Cæsarve priorem,
Pompeiusve parem.' *Ib.* 122.

Lucan compares Crassus to the Isthmus of Corinth, serving as a mole to keep the two seas asunder.—*Ib.* 100.

The discord and deadly animosity between the imperial brothers, Caracalla and Geta, is described by Gibbon, *Decl. and Fall*, c. 6. vol. i. p. 171-3:

it is reasonable to expect that there will be a sympathy in the ruling body with the mass of the people, and that the laws will be of such a character, as to guarantee the private citizens against a harsh exercise of power. But between a wide aristocracy and a democracy,(155) the boundaries may be faintly marked, and it may be scarcely possible to affirm any general tendency of the one, which is not also true of the other. Certainly, it is impossible to lay down such distinctive characteristics of aristocracy and democracy, respectively, as have been cited from Montesquieu,

'Such a divided form of government (he says) would have proved a source of discord between the most affectionate brothers: it was impossible that it could long subsist between two implacable enemies, who neither desired nor could trust a reconciliation. It was visible that one only could reign, and that the other must fall; and each of them, judging his rival's designs by his own, guarded his life with the most jealous vigilance from the repeated attacks of poison or the sword.'

Caracalla dedicated in the temple of Serapis the sword with which he boasted to have slain his brother.—Dio Cass. lxxvii. 23. So Artaxerxes wished to have the reputation, both among Barbarians and Greeks, of having given the death-wound to his brother Cyrus at the battle of Cunaxa. —Plutarch, *Artaxerx.* c. 16. The joint empire of Neoptolemus and Pyrrhus first produced an attempt of the former to poison his colleague, but the latter anticipated his deadly intention by assassinating him at a banquet.—Plutarch, *Pyrrh.* 6.

Concerning the supposed jealousy of power between Romulus and Remus, see Dion. Hal. i. 85. The co-ordinate government of Romulus and Tatius, as equal kings, in the same city, has no parallel in authentic history.—Dion. *ib.* ii. 46; Livy, i. 13. A similar remark applies to the ten interreges, who are related to have governed Rome in succession, each for five days, after the death of Romulus.—Dion. ii. 57; Plut. *Num.* 2; Livy, i. 17.

On the sanguinary dissensions of the beys of Egypt, see Comte, *Traité de Législation,* liv. iii. c. 38. A duarchy, composed of a husband and wife, may subsist without contention, as in the cases of Ferdinand and Isabella, Philip and Mary, Albert and Isabella, William and Mary; but the throne of Egypt was contested between Ptolemy XII. and his *sister* Cleopatra. See the interesting description of the perfect concord which subsisted between the archdukes Albert and Isabella, in Bentivoglio, *Relazione delle Provincie Ubbidienti di Fiandra,* parte i. c. 1; *Opere,* tom. i. p. 140, ed. 1806.

The difficulty of establishing a duarchy, or duumvirate, is well illustrated by Bodinus, *De Rep.* ii. 2, *ad init.* Plutarch remarks that the envy of equals is the characteristic of ambitious natures.—*Pyrrh.* 23.

(155) As to a large oligarchy being practically equivalent to a democracy, see Thucyd. viii. 92 *ad fin.* Thucyd. (*ib.* c. 97) praises the government of the Five Thousand at Athens, as being a fair compromise between the oligarchical and democratic interests. This is the sort of constitution which Aristotle recommends, *Pol.* iv. 11, 12; v. 7, 8. An *ἀριστοκρατία,* or government of the best men, is a mean between despotism or royalty, on the one hand, and democracy on the other: it is a mixture, or temperament of the two extreme forms.—Plat. *Rep.* iii. 12, p. 693; Plutarch, *Dion.* c. 12, 53. See above, note 151.

or to attribute to all democracies such tendencies as are enumerated by M. de Tocqueville.(156)

In attempting to distinguish between the tendencies of aristocratic and democratic government, it is necessary first to exclude all the miscellaneous influences of race, religion, manners, arts, geographical position, &c., as well as the general consequences of plurality of governors, common to both these forms of government; and, next, to confine the attention to the consequences which flow legitimately from the numerical relation (as being greater or less than half) of the governing body to the entire community. It is, moreover, important to observe that the political aggregate, constituting the 'entire community' must, in the several instances brought into comparison, be computed upon uniform principles. In enumerating a political community for statistical purposes, every individual man, woman, and child in the country is included. Again, for purposes of civil rights, and also as objects of the protection of the government both against natives and foreigners, all women and children are considered as members of the political community. But inasmuch as women and children are in general destitute of political rights and franchises, they are excluded from the 'entire community,' when its members are computed for the purpose of determining whether the government is aristocratic or democratic. As this exclusion is uniform, and is common to all cases,(157) it introduces no error in the comparison; it takes equal weights out of both scales; and it only deserves notice with reference to the assertion, that democracy is a government of a majority of the 'entire community.' So far as any inferences are drawn from the assumption that a sovereign democratic body is a majority of the entire community, it is to be borne in mind that this 'entire community' is limited to the adult males, and is therefore always less than

(156) Mr. Grote, pointing out that some Greek democracies were much more warlike, enterprising, and aggressive than others, remarks that it is dangerous to indulge in general predications about *all* democracies.—*Hist. of Gr.* vol. vii. p. 250, 257-8.

(157) As to the ground of excluding women from political rights in a democracy, see Spinoza, *Tract. Pol.* c. xi. § 4.

half the entire population, or the aggregate political community, properly so called.

There are, however, other cases in which care is necessary in order to avoid the comparison of disparate quantities, and therefore to guard against error in referring different communities to the respective classes of aristocracy or democracy. The first of these is where there is a class of slaves, necessarily excluded from all political, and nearly all civil rights, and standing to the community in the relation of mere living instruments. If communities are compared with reference to the aristocratic or democratic form of their government, and if one possesses a slave class, whereas in the other the whole community is free, this circumstance ought to be taken into account. It may be true that the body of freemen may be organized democratically, as in the Athenian and Roman states; but if such a democratic community, connected with a body of slaves out-numbering the citizens, is simply compared with a modern community, consisting exclusively of freemen, and the difference in this respect is not adverted to, confusion and error can hardly fail to arise. On the other hand, two states, each possessing a slave-class, may be compared simply without danger of error; for example, the Lacedæmonian and Athenian states, one of which was oligarchical, the other democratic, considered without reference to the slave-class, which was present in each community.

There is, again, another circumstance which ought not to be left out of sight in determining the 'entire community,' with reference to the aristocratic or democratic character of the government. This is its possession of *imperial subjects;* of dependent communities, to which it stands in the relation of the dominant or paramount state. Thus Athens and Rome, though democracies with regard to the free citizens of the imperial territory, had not only a class of slaves, but also a body of imperial or foreign subjects, who, though freemen themselves, were not considered as forming part of the Athenian or Roman free community. Now, in comparing one community with another, with reference to the question of aristocracy and democracy, it is right that this

element should be adverted to, inasmuch as the absence or presence of imperial subjects is a material circumstance, affecting the character of a government, and these subjects are a part of the political community over which the government of the paramount state presides. However democratic may be the internal organization of a community with respect to its own peculiar members, it can scarcely fail to be oligarchical in respect of its imperial subjects: thus, F. v. Raumer remarks that the Italian republics (though popularly constituted at home) were often oligarchical in reference to their districts.(158) At the same time, care must be taken to distinguish between a republican government, whether aristocratic or democratic, in its relations to the paramount community, and in its relations to dependent communities. If this caution be not observed, we may fall into the same mistake as Mitford in his *History of Greece,* who applies the expressions of the ancients respecting the imperial rule of Athens, to its internal government with respect to its own citizens.(159)

There is a further circumstance to be considered in reference to the question of aristocracy and democracy—viz. the nature of the power, or share in the sovereignty, which constitutes a person a member of the governing body. In an ancient state, whether aristocratic or democratic, each member of the governing body exercised his powers in person. Every Lacedæmonian, Athenian, or Roman citizen, for example, might vote in the supreme assembly. In modern states, where the representative system exists, no such direct exercise of the sovereign power takes place,

(158) *Geschichte der Hohenstaufen*, vol. v. p. 294.

(159) After describing the deterioration of the measures of Solon with respect to the Areopagus and Council of Four Hundred—measures which exclusively concerned the internal government of Athens, and dated from a time when Athens was not yet an imperial state—Mr. Mitford proceeds as follows: 'Interested demagogues inciting, restraint was soon overborne, and so the Athenian government became what, in the very age, we find it was called, and the people seem to have been even pleased to hear it called, a tyranny in the hands of the people.'—*Hist. of Gr.* c. 21, sect. 2, citing τυραννίδα ἔχετε τὴν ἀρχήν, Thucyd. ii. 63; iii. 37. The words in the speeches of Pericles and Cleon, cited by Mr. Mitford, mean this: 'Your empire over the dependent states is in the nature of a despotism.' They have no reference to the action of the Athenian government upon the Athenians themselves.

but the political suffrage which determines the form of government is simply a right of electing representatives to be members of the sovereign body. If, for example, we compare the legislature of France in the years 1848-9, when the suffrage was *universal* (that is, belonged to all adult males), with the supreme assembly of Athens or Rome, we shall find that France, as compared with those states, is a narrow oligarchy; and we are only entitled to consider the French constitution of these years as democratic, if we reckon the suffrage of the Frenchman (that is, his right of voting for representatives) as equivalent to the suffrage of the Athenian or Roman (that is, his power of voting in person in the sovereign assembly of citizens). It will be observed that the questions last adverted to (viz. the mode of determining the 'entire community,' the distinction between domestic and imperial rule, and the distinction between the direct and indirect suffrage) only concern aristocracies and democracies, and do not affect despotic monarchies.

§ 10 It follows, therefore, that with respect to the two main classes, of absolute monarchies and republics, and, in some measure, with respect to the two species of republics, aristocracies and democracies, we may, by considering their several characters, ascertain certain general and prevailing properties, which enable us to attribute to them a certain average influence. Where the subject can be reduced to a numerical expression, an average can be computed with perfect precision; as when the average duration of human life, the average rate of prices, the average temperature, is calculated from a series of arithmetical data. Where the subject does not admit of a numerical expression, averages are less precise, but are possible. The characteristics of a certain form of government may converge about a certain point, and those that deviate from it on different sides may be few. There may be a medium state between opposite extremes, which represents the prevailing character, and admits of a general expression. We may be unable to predicate any invariable and universal tendency of a form of government, just as we may be unable to say that all men live a certain number of years. But

as we can say of men, that the average duration of their life is a certain number of years—so we may say of a form of government, that it has a certain prevailing average character. General propositions of this sort are constructed upon the authority of a plurality of the cases, in the same manner that the majority is held, in the decisions of public bodies, to represent the entire number.(160) Propositions expressive of the average state of any class are, as we shall show lower down,(161) only probable, and, when they come to be applied to actual cases, only serve to raise a presumption, which may be overpowered by counter-evidence.

§ 11 An inquiry as to the characteristics of each form of government is distinct from an inquiry as to the best form of government; though the latter may imply the former. In order to determine the prevailing characteristics of each form of government, it is only necessary to take a survey of facts, and to give them a general expression. We assume the existence of governments, but construct nothing—whereas the problem of the *best* form of government is essentially constructive, and the solution of it does not necessarily represent any state of things which has ever had an actual existence. Thus Spinoza, in treating of the three forms of government in his *Tractatus Politicus*, does not describe the characteristics of monarchy, aristocracy, and democracy in general, and according to a scientific method, but he proceeds constructively, and builds up, according to his own views, that type of each form of government which he considers best.(162)

(160) Refertur ad universos, quod publice fit per majorem partem.—*Dig.* L. 17, l. 160.

(161) Ch. xx. § 6; and compare ch. xiii. § 4.

(162) See *Tract. Pol.* c. 8, § 31, where he describes himself as omitting certain points, 'quia ad meum institutum, quod solummodo est imperii cujuscumque optimum statum describere, non spectant.'

The *Tractatus Politicus* of Spinoza is incomplete. He was prevented from finishing it by his death, which took place in 1677. The descriptions of monarchy and aristocracy are entire; but of the description of democracy there are only four introductory paragraphs. The title, prefixed by the posthumous editor, thus describes the work: 'Tractatus Politicus, in quo demonstratur quomodo societas ubi imperium monarchicum locum habet, sicut et ea ubi optimi imperant, debet institui, ne in tyrannidem labatur, et ut pax libertasque civium inviolata manent.'

§ 12 Similar theorems as to the general character of certain political relations and laws may be laid down, affirmative of prevailing tendencies, and representing its influence in the majority of cases. Thus, the general character or tendency of imperial, as distinguished from national, government—of slavery, as distinguished from freedom, of the working classes—of direct, as distinguished from indirect, taxation—may be laid down. In like manner, the tendencies of persecution and endowment, with respect to the suppression or diffusion of religious opinion, may be severally traced. Such propositions, however, are, like those respecting the forms of government, only probable; they raise a presumption of a certain result—they do not indicate an invariable sequence; and hence, when they come to be applied in practice to actual cases, they often require correction and limitation, as we shall show at greater length when we come to treat of the application of political theory to practice.

CHAPTER XVI.

ON PARTIAL THEORIES, OR PRINCIPLES OF LIMITED CAUSATION, IN POLITICS.

§ 1 WE have, in the previous chapter, investigated the circumstances under which universal propositions and theories of general or unlimited application can be laid down in politics; and we had occasion to remark that, in affirming the general tendency of any political cause—such as a form of government, or other political institution—it was difficult to establish any true theorem respecting its operation, which should be applicable under all variations of circumstances, and be independent of race, religion, manners, climate, social and intellectual state of the people, state of the useful arts, and other similar extraneous and variable influences.

It was shown, for example, that setting aside all attempts to predicate absolute or invariable causation, the number of true propositions which can be laid down respecting the general or prevailing tendency of monarchy, or aristocracy, or democracy, in all countries and at all times, is very limited. The same may be said of any other political institution, such as imperial government, slavery, the use of standing armies in time of peace, laws respecting the succession to land, the use of paper money, &c. But if we narrow the field of observation—if we confine our view to political communities possessing many attributes in common, communities having a certain resemblance to, and affinity with, one another, and agreeing in race, religion, language, climate, manners, arts, arms, dress, or several at least of these circumstances, and if we exclude from our attention all communities whose circumstances, other than the one point of comparison, differ widely from those which are under consideration, then the number of general propositions which we can lay down respecting the past operation and future tendency of the

cause in question becomes much greater. If, for example, in examining the operation of despotic monarchy, we confine ourselves to the Oriental despotisms—or if, in examining the operation of aristocracy and democracy, we confine ourselves to the Greek and Italian republics of antiquity, we shall find that the number of characteristic influences of the form of government which can be truly predicated is far more numerous, than if we include in the one case the despotic monarchies of Greece and Rome and of modern Europe, and, in the other, the aristocratic and democratic governments of modern Europe and America. In proportion, too, as the propositions are more numerous, they become less abstract and more individual; their intensity increases as their extent diminishes; they have a closer bearing upon action, and are both more instructive, and more available for purposes of practice.

§ 2 When, however, limitations of this kind are made, it is right that they should be made avowedly. The historian, or speculative writer, ought to announce that his generalization is meant to be comprehended within certain bounds, and that the inductive extension of the particulars on which his inference rests is not intended to go beyond a certain area. He ought not, as is the too common practice, to *imply* a limitation, and, while he enounces an universal proposition, to leave the reader to annex for himself the restrictions with which it is meant to be understood. Thus Plato, in his sketch of a purely ideal state, conceives it is applicable only to an Hellenic community; while Aristotle's masterly analysis of oligarchical and democratic governments is necessarily limited to the small city-communities on the shores of the Mediterranean—the only republican or non-monarchical governments which the world had at that time seen. Machiavel, according to Hume's just remark, derived his views upon monarchy from the despotisms of antiquity, and of Italy in the middle age; and thus his precepts respecting monarchical government rest on too narrow a foundation.(1) Montes-

(1) See *Essays*, part i. essay 12.

quieu, in like manner, as we have already seen, in speaking of despotisms and monarchies, generally understands the Oriental despotisms and the European monarchies, especially the French monarchy of his own time. His character of courtiers, though declared by him to be applicable to all times and places, is manifestly painted from the French court of the eighteenth century. And M. de Tocqueville, in his theorems on democracy, means, not democratic government generally, but the particular democratic government of the United States, with all its accidental and complex accessories. Upon a close scrutiny of these unlimited expressions, we shall find that the character of scientific generality which they profess to bear disappears, and collapses into the single instance or narrow class which they in fact represent; just as the plaster with the false inscription dropped off the Egyptian Pharos, and exhibited underneath the permanent record of the true architect, engraven in the solid stone.

In the speculations of modern European and American writers respecting legislation and political economy, it may be generally observed that they tacitly assume, as the basis of their reasonings, the existence of a modern civilized Christian community, with its numerous peculiarities, intellectual, moral, religious, political, and social. The ancient heathen communities of Greece and Italy, the despotically-governed nations of Asia, both ancient and modern, and, still more, the widely-spread savage communities, are excluded from the import of their general propositions, and, when referred to, are for the most part expressly mentioned as examples, for the sake of contrast. Sometimes even a writer silently assumes the existence of a state of things peculiar to his own country—thus, an English political economist, in his theoretical discussions, may assume that the persons interested in the land are divided into the three classes of landlords, tenants, and labourers, a division which rarely exists out of England.(2)

(2) See Mill's *Pol. Ec.* ii. 3, § 2.

Human society (as we have already remarked) is essentially political, and political society is essentially national. Government implies constant communication between the governors and the governed, and great space renders such communication impossible. Hence, political societies consist of nations occupying areas of manageable dimensions, and dwelling within those limits. Each of these nations possesses an independent government, and acquires by its separation from all other independent states certain peculiarities, which are its prominent characteristics.(3)

§ 3 One large classification of communities for the purpose of a common predication is—1, those communities which are in a wild and unsettled state, such as the African and Indian savages, the Bedouin Arabs, the Nomad Tartars; 2, those Oriental communities which live under a regular political government, but whose social state is nevertheless fixed and unprogressive, such as the Turks, the Persians, the Hindus, the Chinese, the Japanese; 3, Christian communities partaking of the modern European civilization.

In framing general predications respecting the operation and tendency of forms of government and political institutions, a limitation made expressly to either of these three classes will often assist the historical theorist, and enable him to move with greater ease and safety. As the material upon which a law or measure of the government operates is more similar, its effects can be more securely comprehended within a general expression.

The social and moral state of savage nations, their manners and customs, the state of their intelligence, their knowledge of the useful arts, their mode of procuring food, of treating their wives, of rearing and training their children, of constructing their habitations, of waging war, and other similar facts, admit of a general description, as may be seen in the faithful pictures of savage life drawn by M. Charles Comte, in his *Traité de Législation*. Savage nations are, however, in general destitute of any

(3) See Story's *Conflict of Laws*, p. 1, on the division of the world into independent nations; and above, ch. ii. §§ 6, 7.

regular and stable government; they are communities, but scarcely political communities: whatever political institutions they may from time to time possess, exist only in a shapeless and rudimentary state. Hence, in considering political data, savage nations may be conveniently omitted: and in order to illustrate the manner in which several communities, having certain attributes in common, may be classified together, and compared with other communities, having different but common attributes, we will adduce the Oriental and European countries, and specify the characteristic peculiarities of each class. The following may be regarded as the principal points of opposition.

ORIENTAL.	EUROPEAN.
1. Despotism.	1. Free government.

All the Oriental states, from the dawn of history to the present time, have been governed by despotic princes. Simple despotism, in the most unmitigated shape, has been the unvarying rule. Both in its form and its practice, every Oriental government has been despotic. On the other hand, from the Greek republics downwards, many European states have had a free government; that is to say, the supreme power has been shared by several rulers.(4) Throughout Europe, free government has alternated

(4) *διὰ τὸ δουλικώτεροι εἶναι τὰ ἤθη φύσει οἱ μὲν βάρϐαροι τῶν Ἑλλήνων, όι δὲ περὶ τὴν Ἀσίαν τῶν περὶ τὴν Εὐρώπην, ὑπομένουσι τὴν δεσποτικὴν ἀρχὴν οὐδὲν δυσχεραίνοντες.*—Aristot. *Pol.* iii. 14. With respect to the despotic character of the Asiatic governments and their deadening effect, see Hippocrat. *de Aëre, Aquis et Locis*, c. 16. The absoluteness of the Persian despotism is briefly characterized by Herod. iii. 31; its character and effects are described by Plato, *Leg.* iii. 13, p. 697. The antithesis of the Persian principle of despotism and absolute submission to the king, and the Greek principle of civil freedom and equality, is clearly and simply expressed in Plutarch, *Themist.* c. 27. On the Oriental veneration for absolute kings, see Curtius, v. 10. 'Servirent Syria Asiaque et suetus regibus Oriens,' is the remark of Civilis, in Tac. *Hist.* iv. 17. Also Virgil, *Georg.* iv. 210-2.

> 'Præterea regem non sic Ægyptos et ingens
> Lydia, nec populi Parthorum, aut Medus Hydaspes
> Observant.'

Speaking of a Persian, Gibbon says: 'His language afforded not words for any form of government except absolute monarchy. The history of the East informed him that such had ever been the condition of mankind.'—*Decl. and Fall*, c. 3.

'Le gouvernement de Perse est monarchique, despotique, et absolu,

with despotism, and hence, when an absolute monarchical form was in the ascendant, the people considered themselves as retaining the capacity of free government. Whereas, in Asia, the idea of vesting the supreme power in a body never occurs; and the only political change which the most grievous oppression suggests, is to substitute one despot for another.(5) In Europe, again, when the form of a government was monarchical, the spirit has often been republican. The absoluteness of the despotic theory has been moderated in practice. Moral have been substituted for constitutional checks; and usage, manners, and opinion have opposed powerful barriers to the mere caprice of the monarch.(6)

étant tout entier dans la main d'un seul homme, qui est le chef souverain, tant pour le spirituel que pour le temporel, le maître à pur et à plein de la vie et des biens de ses sujets. Il n'y a assurément aucun souverain au monde si absolu que le roi de Perse; car on exécute toujours exactement ce qu'il prononce, sans avoir égard ni au fond, ni aux circonstances des choses, quoiqu'on voie clair comme le jour, qu'il n'y a la plupart du temps nulle justice dans ses ordres, et souvent pas même le sens commun.'—Chardin, *Voyages en Perse*, tom. v. p. 229. 'Le gouvernement républicain est tout-à-fait inconnu en Perse, de sorte que les Persans ne savent pas qu'il y ait au monde de tel gouvernement, et qu'ils ne peuvent pas même comprendre quel il peut être.'—tom. v. p. 291, cf. p. 123.

On the purely despotic character of the Persian government, see Tavernier, *Voyages*, liv. v. ch. 9. On Hindu despotism, see Mill, *Hist. of Brit. India*, b. ii. c. 3.

(5) 'The races of Asia acquiesced in their own immemorial despotisms, to which they had been abandoned by Sulla and Pompeius. To them the names of liberty and equality, invoked in turn by each of the Roman factions, were unintelligible. The sympathies of the Orientals centered always in men, and never in governments. A Cyrus, an Alexander, an Arsaces, commanded all their devotion; for them, the foundations of law lay in the bosom of the autocrat.'—Merivale's *History of the Romans under the Empire*, vol. ii. p. 141.

(6) The difference between the practical working of an Oriental despotism and of the Roman empire is thus pointed out by Tacitus, in the admonitory address of Galba to Piso: 'Neque enim hic, ut in ceteris gentibus quæ regnantur, certa dominorum domus, et ceteri servi: sed imperaturus es hominibus, qui nec totam servitutem pati possunt, nec totam libertatem.'—*Hist.* i. 16. Compare the remarks of Mably on the European monarchies of the eighteenth century: 'Quoique le prince, dans toutes les monarchies de l'Europe, possède seule la puissance souveraine, l'exercice de cette puissance n'est pas le même par-tout. Les peuples ont un caractère qui assigne des bornes à un pouvoir qui n'en reconnoit aucune. D'anciennes traditions, de vieilles lois, des prejugés, des passions, forment dans chaque état des mœurs publiques, et une sorte de routine et d'allure, qui se font respecter jusqu'à un certain point par le souverain même. Le monarque le plus absolu a beau se dire qu'il peut tout, il sent qu'il n'est qu'un homme, et que s'il choque et révolte tous ses sujets, il ne pourra

In the East, the practice of the government has always been not less absolute than its form; and no effectual system of moral restraints upon the arbitrary will of the despot has ever been established by public opinion.

Despotism is the universal government of Oriental nations, as being the rudest, simplest, most primitive and unimproved form of government. It is the nearest approach to the more natural, and the furthest removed from the more artificial, form of political rule. This is the character of all their institutions, military as well as civil. Though their society is one of perpetual insecurity, and there is constant resort to arms, yet their military system is rude, inefficient, and impotent.(7) Generally, their government is more feeble, and possesses less energy and fewer resources, than that of an European state. This is owing to the backward state of the sciences and useful arts,(8) to the imperfect

leur opposer que les forces d'un seul homme.'—*De l'Etude de l'Histoire*, part ii. c. 1.

On the other hand, says Gibbon, 'it has always been the pride and policy of Oriental princes to display the titles and attributes of their omnipotence; to upbraid a nation of slaves with their true name and abject condition, and to enforce, by cruel and insolent threats, the rigour of their absolute commands.'—c. 46.

(7) 'The science of war, that constituted the more rational force of Greece and Rome, as it now does of Europe, never made any considerable progress in the East.'—Gibbon, *Decl. and Fall*, c. 8 *ad fin.*

The opinion entertained by the Romans of Oriental warfare is expressed in Livy's comparison of the difficulty which Alexander found in conquering Darius, with the opposition which he would have received from a Roman army and general. 'Non cum Dario rem esse dixisset: quem, mulierum ac spadonum agmen trahentem, inter purpuram atque aurum, oneratum fortunæ apparatibus suæ, prædam verius quam hostem, *nihil aliud quam bene ausus vana contemnere*, incruentus devicit.'—ix. 17.

Lucan (viii. 363-7) describes the northern nations as warlike, the eastern as unwarlike. Vegetius (*De Re Mil.* i. 2), who makes the same antithesis between the northern and *southern* nations, probably conveys the same meaning. Compare the long passage of Vitruvius, vi. i.

'Les Mamlouks ne connaissent rien de notre art militaire; ils n'ont ni uniformes, ni ordonnance, ni formation, ni discipline, ni même de subordination. Leur réunion est un attroupement, leur marche est une cohue, leur combat est un duel, leur guerre est un brigandage.'—Volney, *ib.* tom. i. p. 146. On the defects of the Asiatic armies, and the rudeness of their military system, see Chenevix, *Essay upon National Character*, vol. ii. p. 128-9.

(8) On the backward state of the useful arts in Arabia, see Niebuhr, *Descr. de l'Arabie*, p. 188-9. Chardin (*Voyages en Perse*, tom. iv. p. 88-9) says that the arts are little cultivated in Persia; they are indifferent about new inventions and discoveries.

state of communications; to the absence of commercial credit and organization; to the lifeless and unenterprising habits of the people; and to the want of mutual confidence and association. Of government, considered as a scientific art—as a practice founded on a rational theory—the Orientals have never formed any conception.(9)

It may be remarked that the existence of a free government produces various consequences, which are unknown in an Oriental despotism. One is public deliberation, accompanied by political harangues, and the growth of an art of oratory:(10) another is, liberty of the press, especially for political and religious discussion.

2. Government by dependencies. 2. Direct government.

In general, an Oriental prince governs but a small portion of territory directly. He parcels out his empire among subordinate governors—satraps, or pachas—who farm the revenue in each province, and pay a rent or tribute to the chief of the state. For this purpose, they maintain an armed force at the expense of their province, and exercise singly most of the other powers of government. By the European nations, this mode of government is only resorted to for the purpose of overcoming the obstacles created by distance, and the consequent difficulties of communication. These difficulties have, indeed, been for some time past yielding gradually to the mechanical improvements by which the transport of persons and letters has been accelerated: there are, however, limits of space which no improvement in the useful arts can enable a government to pass, and which, therefore, necessitate the creation of a dependency. In these cases, European states still resort to the contrivance of a subordinate government; but they subject to their direct sway as large an

(9) 'Toute l'histoire des Arabes s'accorde à prouver que cette nation n'a jamais connu la science du gouvernement,' (Volney, *Voyage en Egypte et en Syrie*, tom. i. p. 82,) a remark which may be extended to all Oriental nations.

(10) Aristotle states that the first art of rhetoric was written by the Sicilians Corax and Tisias, after the expulsion of the despots in Sicily.—Cic. *Brut.* c. 12. Compare Spengel, *Artium Scriptores*, p. 23-39.

amount of territory as possible, and rarely, like the Oriental governments, from their weakness or unskilfulness, maintain dependent provinces under a local governor, at a short distance from the capital of the empire.

One of the various consequences of the despotic and satrapical system of Oriental government is, that the distinction of the conquering and conquered races is maintained for a long series of generations, and that a race of invaders who have occupied the country keep themselves as a separate caste, and do not rapidly amalgamate with the mass of the native population,(11) as was the case with the Goths and Lombards in Italy, the Franks and Burgundians in France, and the Normans in England.

3. Intricate system of international law, forming a balance of power.	3. Rude system of international law.

This antithesis may be expressed in the words of Mr. Ward, who, in his *History of the Law of Nations,* shows that the system of mutual protection, known by the name of the balance of power, is peculiar to the modern nations of Europe, and is unknown as a practical principle of policy among the Oriental and barbarous communities: 'There is, indeed,' he says, 'a kind of natural policy, which self-preservation will suggest to all states, of uniting against one common powerful enemy, whose hostility is open and flagrant; and this is to be met with throughout the world. But no set of nations that I have yet heard of, except the moderns of Europe, have laid down a system to prevent, long

(11) See the instructive comparison of the Oriental and European systems of government, with respect to the fusion of populations, and the existence of a middle class, in Volney, *ib.* tom. i. p. 160-1. The following just remarks upon Volney are made by Mr. Mountstuart Elphinstone, in his *Account of Caubul:* 'I cannot mention this writer without offering my slender tribute of applause to his merits. Among many other talents, he possesses, in a remarkable degree, that of pointing out what is peculiar to the manners and institutions of the East, by comparing and contrasting them with those of Europe. So far does he excel all other writers in this respect, that if one wishes thoroughly to understand other travellers in Mahommedan countries, it is necessary to have read Volney first.'—vol. i. p. 303, n.

beforehand, even the just augmentation of any particular power, which in the end might prove detrimental to the rest; nor were any set of nations before these so connected together by treaties, alliances, guarantees, and various other ties, that the present state of things can hardly be altered without the common consent. The fear of such an accession of power as may prove fatal to the independence of Europe, is now held to be a fair cause for war; and nations without sense of immediate injury, or wish to avoid immediate danger—consequently, without personal hate or passion—now join cheerfully in the most dreadful conflicts to which the lot of humanity is liable, a circumstance which may be considered as one, at least, of the causes of that polish and mildness which regulate the more humane mode of modern warfare.' (12)

4. Religious Code. 4. Civil Code.

The religious and civil laws of the Oriental nations have generally been considered as part of one system, and have sometimes been combined in the same code. This is the case with the *Koran*, which not only contains the religious dogmas of Mahometanism, but also (with its commentators) is the chief source of the civil law. From this state of things two important consequences flow:—One is, that the civil law, being sacred, is immutable: another is, that the functions of priest and lawyer are, to a great extent, confounded. In the European countries, the civil law is not inseparably interwoven with the necessarily unchangeable doctrines of religion, and, therefore, it admits of progressive improvement, like the political institutions of the state. (13)

(12) vol. i. p. 147.

(13) 'En Orient, l'intelligence est toute religieuse; dans la société Grecque, elle est presque exclusivement humaine: là, l'humanité, proprement dite, sa nature et sa destinée actuelle, disparaissent; ici, c'est l'homme, ce sont ses passions, ses sentiments, ses intérêts actuels qui occupent tout le terrain. Dans le monde moderne, l'esprit religieux s'est mêlé à tout, mais sans rien exclure. L'intelligence moderne est empreinte à la fois d'humanité et de divinité.'—Guizot, *Civil. en Europe*, leçon 6.

5. Polygamy. 5. Monogamy.

All the Oriental nations in antiquity, and most of them in modern times, have permitted polygamy.(14) The physical and economical conditions of society—the numerical equality of the sexes, and the difficulty of procuring the means of subsistence—must always prevent the frequency of polygamy in any country; but where it is permitted, the prince, and all grandees and rich persons, will marry several wives,(15) and thus family relations,

(14) Concerning the polygamy of the Medes, see Strab. xi. 13, § 11. Of the Persians, see Herod. i. 135; Brissonius *de Regn. Pers.* p. 75, 212, ed. 1606. Of the Parthians, Plutarch, *Crass.* c. 21. Of the Indians, Strab. xv. 1; Mill, *Hist. of Brit. India,* b. 2, c. 7. Herodotus (i. 94) says that the laws of the Lydians were nearly similar to those of the Greeks; but the Persian conquest probably introduced polygamy, see Plutarch, *Themist.* c. 31. Sardanapalus, the mythical king of the Assyrians, was conceived as a polygamist, Diod. ii. 27.

Polygamy was, generally, an institution of the barbarian or non-Hellenic nations, Eurip. *Androm.* 177, 214; Athen. xiii. *ad init.* It is characteristic of savage life, and hence Homer represents each Cyclops as living with his *wives* and children: see the verses cited above, vol. i. p. 10, n. 5. Tacitus says that the Germans were almost the only barbarous nation which practised monogamy. Some of the principal persons, however, broke through the rule, *German.* 18. Two wives of Ariovistus are mentioned by Cæsar, *B. G.* i. 53. The Gauls likewise permitted polygamy, Cæsar, *ib.* vi. 19. Sallust mentions that the daughter of Bocchus was married to Jugurtha. He then proceeds thus: 'Verum ea necessitudo apud Numidas Maurosque levis ducitur, quia singuli, pro opibus quisque, quamplurimas uxores, denas alii, alii plures habent; sed reges eo amplius. Ita animus multitudine distrahitur; nullam pro sociâ obtinet: pariter omnes viles sunt.'—*Jugurth.* 80. Juba was a polygamist, *Hist. de Bell. Afric.* c. 91; also Nabal, Gibbon, c. 25. So Claudian says of the Moors:

'Connubia mille.
Non ulli generis nexus, non pignora curæ;
Sed numero languet pietas.'
De Bell. Gild. 441-3.

The Tartars were polygamists, Gibbon, c. 35. The law of China recognises only one wife with full rights, but it permits a system of concubinage which virtually amounts to polygamy, Davis's *Chinese*, vol. i. p. 261-3.

(15) The belief that polygamy is to be traced to a physiological cause (see Winer, *Bibl. Real Wörterbuch*, in 'Vielweiberei') is quite erroneous. The simple explanation is, that in a rude state of society, rich and powerful men will not submit to the restraint of monogamy—those of moderate wealth have not the means of escaping from it. See the passage of Tacitus quoted above, and the following statement of Ammianus Marcellinus respecting the Persians: 'Effusius plerique soluti in venerem, ægreque contenti multitudine pellicum pro opibus quisque asciscens matrimonia plura vel pauca.'—xxiii. 6. A king is not to have many wives, according to Deut. xvii. 17. Volney (*ib.* tom. i. p. 445) says that the Druses may marry several wives, but that, with the exception of the emir and some great men, the cases are very rare; and he states that in Turkey

Bayerische
Staatsbibliothek
München

and the morals of domestic life, will be seriously affected. The Greeks introduced monogamy, or at least adhered to it strictly, since the commencement of their history.(16) It became prevalent

it is only the rich who have several wives, tom. ii. p. 314; see also Niebuhr, *Voy. en Arabie*, tom. ii. p. 353. Mr. Elphinstone gives the same account of the Afghauns, *Caubul*, vol. i. p. 241, 8vo. 'Polygamy seems to have been generally allowed among the Americans; but the privilege was seldom used, except by the caciques and chiefs, and now and then by others in some of the fertile provinces of the south, where subsistence was more easily procured. The difficulty of supporting a family confined the mass of the people to one wife.'—Malthus, *Essay on Population*, vol. i. p. 42. In China, none but the rich keep several concubines, or inferior wives.—Davis, *ib.* p. 263. As to the same fact in other nations, see Comte, *Traité de Législation*, liv. iv. c. 19.

'Cette polygamie même n'est pas si universelle en Orient qu'on le croit en Europe. Car si quelques Mahométans m'ont très-fort vanté ce droit, d'autres, assez riches pour avoir plusieurs femmes, m'ont franchement avoué qu'ils n'ont été heureux qu'avec une seule. C'est pourquoi il y a peu d'hommes d'un état médiocre qui aient plus qu'une femme, et beaucoup de gens distingués s'en tiennent à une pour toute leur vie.'—Niebuhr, *Description de l'Arabie*, p. 65. The fable of there being more female than male births in the East is refuted by Niebuhr, *ib.* p. 63.

Speaking of Morocco, Mr. Jackson says: 'It must not be imagined that this insatiable desire for young females pervades the mass of the people: Mooselmin, in general, are satisfied with one wife, and, in a tract of country possessing a population of 100,000 souls, a hundred men will scarcely be found who keep four.' 'The emperor, the princes, and some of the bashaws, have often four wives.'—*An Account of the Empire of Morocco*, p. 161 (Lond. 1814; ed. 3).

(16) With respect to the notions of monogamy in the Homeric age, see *Odyssey*, i. 432, referring to Laertes and Euryclea:

Ἶσα δέ μιν κεδνῇ ἀλόχῳ τίεν ἐν μεγάροισιν,
εὐνῇ δ' οὔποτ' ἔμικτο· χόλον δ' ἀλέεινε γυναικός.

Also, *Iliad*, ix. 449-52, in the story of Phœnix. The following verses in *Odyss.* vi. 182, are likewise significant:

οὐ μὲν γὰρ τοῦγε κρεῖσσον καὶ ἄρειον,
ἢ ὅθ' ὁμοφρονέοντε νοημασιν οἶκον ἔχητον
ἀνὴρ ἠδὲ γυνή.

See also the remark of Aristotle, in Athen. xiii. p. 556 D.

Cecrops is said to have first introduced monogamy into Athens, whence he received the appellation of *διφυὴς*, or *geminus*. See Clearchus, ap. Athen. xiii. p. 555 D; Charax in *Fragm. Hist. Gr.* vol. iii. p. 638. Suidas, in Προμηθεύς. This fabulous *αἴτιον* assumes the antiquity of the monogamic institution in Greece.

The Greek view of marriage, as the union of a man with *one* woman, is fully developed in Xenoph. *Œcon.* c. 7, § 18 *sq.* *ἄνθρωπος φύσει συνδυαστικόν*, Aristot. *Eth. Nic.* viii. 14.

Anaxandrides, king of Sparta in the sixth century B. C., was compelled by the ephors and gerontes to marry a second wife, in consequence of the barrenness of his first wife; but this (says Herodotus) was altogether contrary to the Spartan usage: *μετὰ δὲ γυναῖκας ἔχων δύο, διξὰς ἱστίας οἴκεε, ποιέων οὐδαμῶς Σπαρτιητικά*, v. 40.

The Romans likewise, throughout their entire history, held strictly to the rule of monogamy: see Taylor's *Elements of the Civil Law*, p. 339-47; ed. 1786. Lucan contrasts the Parthian and Roman laws of marriage—

in Judæa after the Babylonian exile,(17) was the common law of the Roman empire, and, having been adopted by Christianity, it has descended to modern Europe.

6. Seclusion of women. 6. Freedom of women.

It might, at first sight, appear that polygamy and seclusion of women were inseparably connected, and it is probably true that, wherever polygamy exists, the women are either secluded, or subject to severe restrictions.(18) But that there may be

'Num barbara nobis
Est ignota Venus, quæ ritu cæca ferarum
Polluit innumeris leges et fœdera tædæ
Conjugibus?' viii. 397-400.

Compare the apophthegm in Sen. *Agam.* 257:

'Ultimum est nuptæ malum,
Palam mariti possidens pellex domum,'

which describes the ordinary state of conjugal life in an Oriental country. The insult and injury to the wife, arising from the open assumption of a concubine by the husband, are strongly portrayed, according to the Greek and Roman feeling, in some of Ovid's *Heroides*, as in the epistle of Deianira to Hercules, v. 121-6; and of Medea to Jason, v. 137-82.

On some supposed exceptions to the law of monogamy among the Greeks, see Luzac *de Digamiâ Socratis;* Wachsmuth, *Hellen. Alt.* ii. 1, p. 204; F. Jacobs, *Vermischte Schriften*, vol. iv. p. 218. The supposed law of Valentinian I., permitting bigamy in the Roman empire, has been proved to be a fiction.—Gibbon, c. 25.

The only real exceptions to the practice of monogamy in Greece were among kings and despots, some of whom married *two* wives, as Dionysius the Elder, and some of the Macedonian and Egyptian kings, see Luzac, *ibid.* p. 35. Cæsar likewise meditated the assumption of this licence: 'Helvius Cinna tribunus plebis plerisque confessus est, habuisse se scriptam paratamque legem, quam Cæsar ferre jussisset, quum ipse abesset, uti uxores liberorum quærendorum causâ, quas et quot vellet, ducere liceret.'—Sueton. *Jul. Cæs.* 52. Compare Dio. xliv. 7. That despotic princes have always abused marriage, and generally indulged in polygamy, is remarked by Montesquieu, *Esprit des Lois*, v. 14.

According to the primitive Oriental notion, adultery was the connexion of a man with a married woman. The extension of the term to the connexion of a married man with an unmarried woman was of later date, and arose in countries where the monogamic system prevailed. One consequence of the monogamic system is the distinction between legitimate and illegitimate children. Chardin remarks that there is no bastardy in Persia, tom. vi. p. 81.

(17) The Jews were expressly prohibited from marrying several women at the same time by a law of the Emperor Theodosius, of the year 393 (*Cod.* i. 9, 7); so that polygamy must have lingered among them till the end of the fourth century.

(18) Plutarch (*Themist.* c. 26) speaks of the jealous seclusion and imprisonment of woman practised by the barbarous nations generally, and particularly by the Persians. In *Artaxerx.* c. 27, he says that, in Persia,

seclusion of women without polygamy, is proved by the practice of the ancient,(19) and, to a great extent, of the later Greeks,(20) who, although they held strictly to monogamy, nevertheless shut up their women in a gynæconitis, and allowed them little association with men. The Romans first innovated upon the pure Hellenic practice, and placed the *mater-familias* in a higher and more independent position. She sat at meals with her husband's male friends,(21) and was entrusted with the education of her sons,(22) which was not the case in Greece. But neither in Greece nor Rome had that mixture of persons of both sexes in private society, which is the regulating principle of modern European manners, been introduced. In this respect, they resembled the Oriental nations of the present day. Although women may be taught to consider the restrictions imposed upon them by the jealousy of their husbands as a part of their state, and may regard their abandonment as an indignity and a slight,(23)

it was not only a capital offence to touch one of the king's concubines, but even to drive through their carriages on a journey. The rules as to the seclusion of Oriental women in modern times are well known. Hence, too, the importance of the veil in the East, as a part of female attire: 'La pièce la plus essentielle de l'habillement des femmes dans l'Orient, c'est, ce semble, le voile, dont elles couvrent le visage lorsqu'un homme les approche.'—Niebuhr, *ib.* p. 134. On the seclusion of woman in Persia, Chardin, tom. vi. p. 6. On the courouc, or prohibition to approach women on a journey, *ib.* p. 32; also, Tavernier, *Voyages*, liv. v. c. 14.

(19) Plato (*Leg.* vi. 21, p. 781) describes the female sex as *εἰθισμένον δεδυκὸς καὶ σκοτεινὸν ζῆν*. On female life in Greece, see Becker's *Charicles*.

(20) See Pashley's *Travels in Crete*, vol. i. p. 181-3.

(21) Nepos, in the preface to his biographies, first mentions certain customs of the Greeks, such as marrying a sister by the same father, and appearing on the stage, which the Romans visited with moral censure: 'Contra ea (he proceeds to say), pleraque nostris moribus sunt decora, quæ apud illos turpia putantur. Quem enim Romanorum pudet uxorem ducere in convivium? aut cujus materfamilias non primum locum tenet ædium, atque in celebritate versatur? Quod multo fit aliter in Græciâ; nam neque in convivium adhibetur, nisi propinquorum, neque sedet nisi in interiore parte ædium, quæ *γυναικωνῖτις* appellatur, quo nemo accedit nisi propinquâ cognatione conjunctus.'

(22) See in Tacit. (*De Caus. Corr. El.* c. 28) an account of the manner in which a Roman matron superintended the education of her sons. The early Roman marriage law, and its good effects, are delineated by Dion. Hal. *Ant. Rom.* ii. 25. The feelings of the Roman mother towards her sons are described with extraordinary beauty and pathos in the last elegy of Propertius, under the person of Cornelia, the wife of Paulus Æmilius Lepidus.

(23) 'It might be imagined (says Mr. Lane) that the women of the higher and middle classes feel themselves severely oppressed, and are

yet, wherever women are secluded, they are held in low esteem, and occupy an unimportant social position. Where the sexes cannot meet in society, love and gallantry, in the European sense, are unknown.(24)

7. Slavery.	7. Civil freedom of the entire community.

Slavery existed in all the Oriental despotisms; in fact, the entire population might be considered as being in a state of slavery with respect to the government and its officers, and might at any time be subjected to forced labour. Slavery, as a distinct *status*, was most clearly marked in the ancient republics, owing to the antithesis of the free citizen and the slave. In modern Europe, under the influence of Christianity, slavery has been first mitigated, and the number of persons in a servile state, as compared with the free population, has been diminished —ultimately, the condition of slavery has been extinguished.

8. Cruelty in the infliction of bodily pain.	8. Comparative mildness in the infliction of pain.

The Oriental nations, from the earliest times downwards, have been distinguished by their cruelty. Their massacres have been on a larger scale, and their indifference to human life in the aggregate has been greater, than in Europe.(25) Moreover, their modes of inflicting punishment have been more habitually cruel; there has been more bodily mutilation—more lopping off of hands, feet, nose, ears—more blinding and excision

much discontented with the state of seclusion to which they are subjected: but this is not commonly the case; on the contrary, an Egyptian wife who is attached to her husband is apt to think, if he allow her unusual liberty, that he neglects her, and does not sufficiently love her, and to envy those wives who are kept and watched with greater strictness.'—*Modern Egyptians*, vol. i. p. 247. Plato, in his *Laws*, vi. 21, p. 781, proposes public tables for the women as well as the men; but he thinks that women, accustomed to a retired life in their houses, will with difficulty be compelled to eat in public.

(24) See the excellent account of the effects produced by polygamy and seclusion of women in Turkey, in Volney, *ib.* tom. ii. p. 310-6.

(25) See Chenevix, *Essay upon National Character*, vol. i. p. 184-6. The massacres of the Tartars and Huns are illustrated by Gibbon, c. 34.

of the tongue, than in Occidental countries. The employment of eunuchs, on account of their supposed trustworthiness, and also as guardians of the women, has likewise lasted in Asia from the times recorded in the sculptures of Nineveh to the present day.(26) Tortures, sometimes of the most horrible and disgusting nature,(27) have been constantly practised in the East, both for punishment and for the extraction of evidence. Among the European nations, there has doubtless at times been great cruelty, and men have been destroyed in cold blood by thousands; but, there has been, on the whole, a much greater moderation in bodily inflictions than among the Orientals. Penal mutilations appear in the German codes,(28) but have been disused in later times. Torture was for some centuries established in the criminal jurisprudence of Europe; but it was at first regulated, with a view of subjecting it to restraint, and is now abolished.

(26) Eunuchs were anciently employed in the Oriental states in all offices of trust and confidence about the king's person. They were his wine-bearers; they brought his food, and thus protected him from poison (Joseph. *Ant.* xvi. 8, § 1); they also acted as his instruments in deeds of secrecy, such as poisoning his sons and other near relations (Livy, xxxv. 15). They were not merely chamberlains, or guardians of the women, but were also employed in affairs of state (Tac. *Ann.* vi. 31); they likewise accompanied the king into the field, and fought like other men (see the Nineveh sculptures). They were peculiarly employed in the responsible office of treasurer (Plutarch, *Demetr.* 25; compare Acts, viii. 27). Eunuchs were preferred on account of their superior fidelity to their master (Herod. viii. 105), and compare the conduct of the eunuchs in the attack of the seven Persian conspirators upon Smerdis, *ib.* iii. 77-8. *ἄνδρας εὐνούχους καὶ πιστοὺς βασιλεῖ*, in Plutarch, *Artax.* c. 17, where the text does not require alteration. On eunuchs and their fidelity, see also Chardin, *Voyage en Perse,* tom. vi. p. 43. Their fidelity was owing to the absence of family ties, or feelings of love, and to their consequent single-minded devotion to their employer's service.—Xen. *Cyrop.* vii. 5, § 60-5. Compare Winer, *B. R. Wörterbuch,* art. 'Verschnittene.' The institution of eunuchs was referred to Semiramis, the Assyrian queen, or to the Persians.—See Ammian. Marcellin. xiv. 6; Steph. in Σπάδα; Brisson. *de Regn. Pers.* p. 217.
As to the light in which castration was viewed by the Romans, see the expressions of Dio Cassius, lxxv. 14, on the act of Plautianus. As the Roman empire, however, assumed a more Oriental character of government, eunuchs advanced into favour.—Gibbon, c. 19, *ad init.* In modern Europe, castration has been only practised, under the patronage of the Pope, for musical purposes.

(27) See Plutarch, *Artax.* c. 16, 17; Xen. *Anab.* i. 9, § 13; ii. 6, § 29; Brisson *de Reg. Pers.* p. 242-8.

(28) See Grimm, *Deutsche Rechts Alterthümer*, p. 701-11.

9. Loose dress.	9. Dress closely fitting the body.

The Orientals have, from an early time, shown a preference for a looser dress, and one less admitting of active bodily exertion, than the Europeans. The dress of the Medes, adopted by the Persians, was of this character, and was considered by the Greeks more suitable to women than to men.(29) It was even said to have been invented by Semiramis in order to make it uncertain whether the wearer was man or woman.(30) The assumption of the Oriental dress by Alexander was highly offensive to the Greek feeling, as the assumption of the same dress by Elagabalus was offensive to the Romans.(31)

The dress of men in Europe is likewise generally plain. Ornament is the characteristic of female dress. In the East, women do not appear at public ceremonials, or even in private society; and the splendour of dress, particularly in the matter of jewels,

(29) θηλυστολεῖν ὑπέμειναν, Strab. xi. 13, § 9. As to the effeminate dress of the Lydians, Herod. i. 155; Polyæn. vii. § 4. The *cognati regis*, in the army of Darius, were 15,000 men: 'Hæc vero turba, muliebriter propemodum culta, luxu magis quam decoris armis conspicua erat.'—Curt. iii. 3. On the ornaments of Persian dress, Plutarch, *Cimon*, 9; *Aristid.* 16. Justin (xli. 2) says of the Parthians: 'Vestis olim sui moris; posteaquam accessere opes, ut Medis, perlucida ac fluida.'

> 'Et Syriæ gentes, et laxo Persis amictu,
> Vestibus ipsa suis hærens.' Manilius, *Astronom.* iv. 750.

> 'Quicquid ad Eoos tractas, mundique teporem
> Labitur, emollit gentes clementia cœli.
> Illic et laxas vestes, et fluxa virorum
> Velamenta vides.' Lucan, viii. 365.

See Winer, in *Kleider*. The use of umbrellas, as a protection against the sun, held by slaves over the head, is likewise characteristic of Oriental usage. See the Xanthian marbles; and Plutarch, *Themist.* 16.

'Les Turcs, les Arabes, en un mot tous les Mahométans, portent des habits longs et larges: cependant, chaque nation se distingue, au premier coup d'œil, par quelque mode, qui lui est particulière. D'ailleurs, les Orientaux qui habitent les villes changent de modes, tout comme les Européens.'—Niebuhr, *Voyage en Arabie*, tom. i. p. 127. Oriental dress varies little from one age to another, Chardin, tom. iv. p. 1. Mr. Elphinstone confirms Niebuhr, and states that fashions of dress change in the East.—*Account of Caubul*, vol. i. p. 323, n.

(30) Diod. ii. 6.

(31) See Plutarch, *Alexand.* c. 45; Curtius, vi. 6; Diod. xvii. 77; Justin, xii. 3; and with respect to Elagabalus, Gibbon, c. 6.

is principally reserved for the men. In Asia, all the finest jewels are worn by the princes, not by their women.(32)

10. Intricate alphabet. 10. Simple alphabet.

The mode of alphabetical writing exercises so important an influence on civilization, that it deserves a separate mention. The Sanscrit, the Chinese, the Arabic, the Persian, and other Oriental modes of writing, are so intricate, the forms of the letters and their combinations are so deficient in simplicity and perspicuity, that the difficulty of writing and of reading written characters is far greater than in the European alphabets;(33) and printing with moveable types is thus rendered either impossible, or more expensive.(34)

(32) Compare the description of the dress of Darius, in Curt. iii. 3: 'Cultus regis inter omnia luxuriâ notabatur: purpureæ tunicæ medium album intextum erat: pallam auro distinctam aurei accipitres, velut rostris inter se corruerent, adornabant; et zonâ aureâ muliebriter cinctus acinacem suspenderat, cui ex gemmâ erat vagina.'

(33) See Niebuhr, *Descript. d'Arabie*, p. 89; Volney, *ib.* tom. ii. p. 284. 'Mon maître Turc commença par me faire apprendre à écrire, c'est la règle. L'habitude du dessin m'y fit faire quelques progrès; je lus ensuite, et alors les difficultés se multiplièrent. La suppression des voyelles suffit de donner une idée de mes premiers embarras et du travail pénible et fastidieux qu'il me fallut subir; mais il y a plus encore—les Turcs, en suppléant à la pauvreté de leur langue originelle par l'adoption totale de l'Arabe et du Persan, en se composant cinq alphabets, dont les différens caractères sont, cependant, au choix des écrivains, ont encore créé de nouveaux obstacles à l'instruction; et quand la vie d'un homme suffit à peine pour apprendre à bien lire, que lui reste-t-il pour choisir ses lectures, pour profiter de ce qu'il aura lu?'—*Mémoires du Baron de Tott*, tom. i. p. 7. 'Rien ne fondera certainement l'instruction des Turcs, tant que les difficultés de la langue en fixeront les bornes au seul talent de lire et d'écrire.' —*Ib.* p. 112.

(34) 'Non seulement il y a disette de bons livres en Orient, mais même les livres en général y sont très rares. La raison en est évidente: dans ces pays, tout livre est écrit à la main: or, ce moyen est lent, pénible, dispendieux; le travail de plusieurs mois ne produit qu'un seul exemplaire; il doit être sans rature, et mille accidens peuvent le détruire.'—Volney, *ib.* p. 285.

Speaking of the Arabs, Volney says: 'Leurs sciences sont absolument nulles; ils n'ont aucune idée ni de l'astronomie, ni de la géométrie, ni de la médecine. Ils n'ont aucun livre, et rien n'est si rare, même parmi les chaiks, que de savoir lire. Toute leur littérature consiste à réciter des contes et des histoires, dans le genre des *Mille et Une Nuits*.'—*Ib.* tom. i. p. 373. Chardin (tom. iv. p. 89, 274) says that the Persians have not the art of printing. Niebuhr (*Descript. d'Arabie*, p. 188) states that there is no printing-press in Arabia. The obstacle to the use of printed books is,

The characters of the European alphabet, and of the numerical notation, were both derived from Asia; but the nations which borrowed them gave them a practical value and finish which they never have attained in the East.(35)

11. Poetry and mystical prose.	11. Argumentative prose.

The literature of the East has been, for the most part, confined to poetry and tales of fiction. Its histories have been rare, and, when they existed, have been mere dry, uninstructive chronicles. It has produced some collections of apophthegms,(36) and some meagre scientific treatises, chiefly borrowed from the Greek. Argumentative prose composition, such as was originated by the Greeks after Socrates, and instructive histories, such as those of Herodotus and Thucydides, are not to be found within the circle of Oriental literature. The application of ridicule or irony to the investigation of truth, and to matters of serious import, is also purely European. An Aristophanes, a Lucian, a Swift, a Voltaire, or even a Socrates,

he says, not the existence of a prejudice against them, but the difficulty of representing the forms of the letters in print. He adds that he had often shown to Arabs books printed in their language, which they could scarcely read.

(35) Litteras semper arbitror Assyrias fuisse.—Plin. *H. N.* vii. 57. If the Arabic numerals really were of Asiatic origin (see Bohlen, *Altes Indien*, vol. ii. p. 221-7), they are an example of the simplification and perfection of scientific instruments, proceeding from an Oriental people. In this case, there would be a remarkable coincidence with the European alphabet, which the Greeks certainly derived from the Phœnicians.—See Mure's *Hist. of Gr. Lit.* vol. i. p. 78.

> 'Phœnices primi, famæ si creditur, ausi
> Mansuram rudibus vocem signare figuris.'
>
> Lucan, iii. 220-1.

'Si famæ libet credere, hæc gens [the Phœnicians] literas prima aut docuit aut didicit.'—Curt. iv. 4.

Tacit. (*Ann.* xi. 14) places the Egyptians first, and the Phœnicians second. Strabo (xvi. 2) says that astronomy and arithmetic came from the Phœnicians, as geometry or land-measuring came from the Egyptians. The metrical system of Greece was ultimately derived from the Babylonians.—Boeckh, *Metrologie*, c. 4.

(36) The Oriental nations have always included their wisdom in proverbs and fables, partly on account of the despotic character of their governments, which rendered it dangerous to speak openly.—Chardin, tom. v. p. 3. 'Il n'y a que les Europèens au monde qui voyagent par curiosité.'—*Ib.* p. 118.

a Plato, or a Pascal, is only to be found in the Occidental nations.

Only two Oriental nations have possessed a native drama—the Chinese and the Hindus. The Chinese drama serves for popular amusement, and is acted to large audiences,(37) but the Hindu drama, composed in Sanscrit, could only, on the rare occasions when it was acted, have been understood by a select and learned audience, and by them but imperfectly.(38) The drama, considered as a refined, intellectual amusement, addressed to the emotions, the taste, or even the political passions, of large bodies of people, is unknown in Asia.

§ 4 Carrying our views from Asia to Africa, we may observe that the negro communities of the latter continent, from Abyssinia to Morocco, from Morocco to Dahomey, and from Dahomey to Caffraria, live for the most part in a state of political society; but that their level is considerably lower than that of the Oriental nations.(39) Both classes of communities are governed despotically; both are without any refined law of nations; both recognise slavery and polygamy. But the government of the African races is ruder than the Oriental system; the punishments are more cruel, and the disregard of human life and pain more pronounced; the criminal and civil law, and the military organization, are all in a more barbarous state; the women are not secluded, but enslaved; their condition is too menial and degraded for the indolent and luxurious life of the harem or zenana. Among the African nations, the mode of living is more squalid,

(37) See Davis's *Chinese*, c. 17.

(38) See Wilson's *Theatre of the Hindus* (ed. 2; London, 1835), pref. p. xiii. Bohlen (*Altes Indien*, vol. ii. p. 429) ascribes to the Hindu theatre a more popular character; but the reasons for the opposite opinion adduced by Prof. Wilson appear decisive. With respect to Hindu dramatic criticism, Prof. Wilson remarks: 'Indian criticism has been always in its infancy. It never learned to connect causes and effects; it never looked to the influence exercised by imagination or passion in poetry; it never, in short, became either poetical or philosophical.'—*Ib.* p. xvii. The Parthian court was sufficiently Hellenized to enjoy the representation of Greek tragedies.—Plutarch, *Crass.* 33.

(39) Concerning the political and social state of the African nations see Comte, *Traité de Législation*, liv. iii. c. 29, 30, 35.

abject and filthy, than in the East, and their food is lower and more precarious. The useful arts are less advanced; the towns are little better than collections of huts, without any of that decorative architecture which has distinguished Oriental cities.(40) Writing, instead of being intricate and hard of acquisition, is scarcely practised at all. There are no sciences, and no literary works; and, in general, it may be said that the African are to the Oriental, what the Oriental are to the European nations.

An antithesis, analogous to those which we have been examining, existed between the Greeks and Barbarians in antiquity. All Greeks differed in certain respects from all Barbarians;(41) and these common differences exercised a material influence upon the political institutions of each group of communities.

Now it is plain that, when we are seeking to determine generally the operation of any political cause, such as a certain system of judicature, taxation, punishment, military or naval organization, &c., our researches will be greatly facilitated if we assume as our basis some definite state of political society, such as that belonging either to the Oriental or the European type.

(40) 'Le monarque de Loango est un nègre, qui ne porte point de vêtemens, qui marche pieds nuds, qui habite une hutte de paille, qui s'asseoit par terre, et mange avec les doigts.'—Comte, *ib.* c. 30. A similar description applies to the *reguli* of the other negro tribes of Western Africa.

(41) On the antithesis between Greeks and Barbarians, see Grote, *Hist. of Gr.* vol. ii. p. 377; K. F. Hermann, *Gr. Ant.* § 7; Wachsmuth, *Hell. Alt.* i. 1, p. 139. Compare the remarks of Dionysius, *Ant. Rom.* i. 89, as to Rome not being of barbarous origin. Plutarch speaks of the native Epirots being Hellenized in manners, letters, and laws.—*Pyrrh.* i. The antithesis of Barbarians was transferred by the modern Italians to their own countrymen; but it designated in this case no marked difference of civilization. See Machiavel, *Principe,* c. 26: 'Esortazione a liberare l'Italia dai Barbari.'

Similar ethnological distinctions may be drawn in other cases; thus, Gibbon says: 'If we inquire into the characteristic marks of the people of Germany and of Sarmatia, we shall discover that those two great portions of human kind were principally distinguished by fixed huts or moveable tents; by a close dress or flowing garments; by the marriage of one or of several wives; by a military force, consisting, for the most part, either of infantry or cavalry; and, above all, by the use of the Teutonic or of the Slavonian language, the last of which has been diffused by conquest from the confines of Italy to the neighbourhood of Japan.'—c. 10.

We may even limit our field of vision still further. We may, instead of co-ordinating several cognate nations, confine ourselves to a single nation, and investigate the operation of political causes in reference to its peculiar position and circumstances. For this purpose, we must look to its history and historical statistics, and to the facts which serve to distinguish it from all other nations. In this way, we are brought to the question of *national character*—its nature and causes.

§ 5 That nations (like individuals and smaller bodies, as regiments, schools, clubs, &c.) have a character, both moral and intellectual, is a fact which has been long since recognised.(42) In speaking of national character, however, we must distinguish between the collective character of the nation, considered as an individual, and the separate characters of the individual persons of whom it consists. A nation, as represented by its government, may have a collective character, independent of the character of any of its citizens, and this character may appear in its acts at successive periods of time. A government may, for example, be faithless in its public engagements, though the persons composing that government may be honourable in their private transactions. A false morality respecting national interest and patriotism may induce persons to resort to means, in behalf of their country, which they would scorn to use for themselves.

Again, there may be a predominant character of the individuals of a particular country—they may be daring and impetuous, or timid and cautious; they may be warlike or unwarlike, lazy or

(42) See the elaborate comparison between the national characters of Athens and Sparta, in the funeral oration of Pericles, Thuc. ii. 37; and the general remarks in Polyb, iv. 21. As to the peculiar laws and customs of each country, see Zenob. v. 25, in the proverb *νόμος καὶ χώρα.*

'Tam civitatium, quam singulorum hominum mores sunt: gentes quoque aliæ iracundæ, aliæ audaces, quædam timidæ: in vinum, in venerem proniores aliæ sunt. Atheniensem populum fama est celerem et supra vires audacem esse ad conandum: Lacedæmoniorum cunctatorem, et vix in ea quibus fidit ingredientem.'—Livy, xlv. 23.

'Fa ancora facilità il conoscere le cose future per le passate, vedere una nazione longo tempo tenere i medesimi costumi, essendo o continuamente avara, o continuamente fraudolente, o avere alcun altro simile vizio o virtù.'—Machiavel, *Disc.* iii. 43. On the varieties of national character, see Bodinus, *Method. Hist.* c. 5.

industrious, thrifty or improvident, slow or quick, reserved or communicative. The people may be distinguished by a love of literature and the fine arts, or may be indifferent to them; they may be religious in belief and practice, or the contrary; their prevalent pursuits may be agricultural, commercial, or manufacturing. Thus Italians, Spaniards, Germans, French, Dutch, English,(43) Americans, and, again, Russians, Turks, Persians, Hindus, Chinese, may have certain leading characteristics, which may be further subdivided into the characteristics of particular towns, provinces, and districts. Among the Greeks each state, and even city, had its peculiar character—the Athenians were lively and acute, as were also the Sicilians;(44) the Bœotians were slow and heavy; the Lacedæmonians were noted for the brevity of their speech; the Thessalians for their licence:(45) again, in Italy, the Etruscans were distinguished by their proneness to religious observances;(46) the Ligurians by their deceitfulness.(47)

(43) Upon the national characters of the French, English, Spaniards, Italians, and Germans, see Kant, *Anthropologie; Werke*, vol. vii. p. 250-7. The national characters of the French and Spanish are drawn by Filangieri, *Scienza della Legislazione*, i. 13. Compare also Goldsmith's *Traveller*.

(44) 'Siculi—lascivi et dicaces.'—Cælius ap. Quintilian, vi. 3, § 41. 'Quod esset acuta illa gens et controversa naturâ.'—Cic. *Brut.* 12. Compare *Verr.* iii. 8; *De Orat.* ii. 54. On the national characteristics of the Spartans, Ionians, Thracians, and Thessalians, see Plutarch, *Alcib.* 23.

(45) See Wachsmuth, *Hell. Alt.* i. 1, p. 59-75; Bernhardy, *Grundriss der Griechischen Litteratur*, vol. i. p. 9. 'Inde Afros versipelles, Græcos leves, Gallos pigrioris videmus ingenii; quod natura climatum facit, sicut Ptolemæus deprehendit, qui dicit, translatum ad aliud clima hominem naturam ex parte mutare.'—Servius *ad Æn.* vi. 723. 'The people of Alexandria (a various mixture of nations) united the vanity and inconstancy of the Greeks with the superstition and obstinacy of the Egyptians.'—Gibbon, c. 10.

(46) 'Gens ante omnes alias eo magis dedita religionibus, quod excelleret arte colendi eas.'—Livy, v. 1. Compare Dion. Hal. *Ant. Rom.* i. 30. So Cæsar says of the Gauls: 'Natio est omnis Gallorum admodum dedita religionibus.'—*B. G.* vi. 16.

(47) 'Vane Ligus, frustraque animis elate superbis,
Nequidquam *patrias* tentasti lubricus *artes*,
Nec fraus te incolumem fallaci perferet Auno.'
Virg. *Æn.* xi. 715-7.

Cato, *Orig.* ii. ap. Serv. ad v. 700: 'Ligures autem omnes fallaces sunt.' Nigidius, *ib.* v. 715: 'Nam et Ligures qui Apenninum tenuerunt, latrones, insidiosi, fallaces, mendaces.' Compare Cic. *de Harusp. Resp.* c. 9: 'Quam volumus licet, patres conscripti, ipsi nos amemus: tamen nec numero Hispanos, nec robore Gallos, nec calliditate Pœnos, nec artibus

A certain character may likewise, as Machiavel remarks,(48) be hereditary, even in a family, as was the case with many of the great Roman houses: the Claudian family, for example, was long noted for its arrogant and antipopular demeanour;(49) while the Valerian gens, in early times, was distinguished for its attachment to the popular cause. Similar characteristics have marked particular families in modern states.(50)

Many of these national, provincial, or local peculiarities have been embodied in proverbs, and have thus fixed a character upon a district, similar to that which may belong to it in connexion with some physical attribute, or some article of production.(51) A fragment of a topographical work of Dicæarchus, a disciple of Aristotle, upon Greece, has preserved several sayings of this sort upon the cities of Bœotia;(52) and similar proverbs exist with

Græcos, nec denique hoc ipso hujus gentis ac terræ domestico nativoque sensu, Italos ipsos ac Latinos; sed pietate ac religione, atque hac unâ sapientiâ, quod deorum immortalium numine omnia regi gubernarique perspeximus, omnes gentes nationesque superavimus.'

48 'Pare che non solamente l'una città dall' altra abbi certi modi e instituti diversi, e procrei uomini o più duri, o più effeminati; ma nella medesima città si vede tal differenza essere nelle famiglie l'una dall' altra.' —*Disc.* iii. 46.

(49) See the speech of Sempronius the tribune against Appius Claudius, in Livy, ix. 34. Tacitus (*Ann.* i. 4) mentions the 'vetus atque insita Claudiæ familiæ superbia.' Compare Sueton. *Tiber.* c. 2.

(50) 'Such free states as are not mere aggregates of individuals, changing their character and sentiments with every outward impression and momentary impulse, owe this steadiness mainly to the subsistence of houses and corporations, in which principles and feelings are transmitted for ages as an heirloom from generation to generation. Were a Russell to prove false to the principles of 1688, he would be deemed a shocking instance of unnatural degeneracy. But above all other nations did the Romans maintain this unity between forefathers and their posterity, so that the life of a house in the republic was like that of one man; the descendant received the principles of his ancestor as a law, and his plans as a trust that he was charged to execute.'—Niebuhr's *History of Rome*, vol. ii. p. 377.

(51) Compare Athenæus, i. c. 49.

(52) Ἱστοροῦσι δ'οἱ Βοιωτοὶ τὰ κατ' αὐτοὺς ὑπάρχοντα ἴδια ἀκληρήματα λέγοντες ταῦτα· τὴν μὲν αἰσχροκερδίαν κατοικεῖν ἐν Ὠρωπῷ, τὸν δὲ φθόνον ἐν Τανάγρᾳ, τὴν φιλονεικίαν ἐν Θεσπιαῖς, τὴν ὕβριν ἐν Θήβαις, τὴν πλεονεξίαν ἐν Ἀνθηδόνι, τὴν περιεργίαν ἐν Κορωνείᾳ, ἐν Πλαταιαῖς τὴν ἀλαζονείαν, τὸν πυρετὸν ἐν Ὀγχήστῳ, τὴν ἀναισθησίαν ἐν Ἁλιάρτῳ.—Dicæarchus, *Fragm. Hist. Gr.* vol. ii. p. 260; ed. Didot. The Cretans were proverbial for their mendaciousness, see Zenob. iv. 62, and other parœmiographers, in the word Κρητίζειν; and the commentators on Callimach. *Hymn. Jov.* 8. Κρῆτες ἀεὶ ψεῦσται.

respect to towns or other districts of Italy, France,(53) and England.(54) The proverbs respecting national or local character are generally unfavourable, and often vituperative—they appear to be the expressions of the antipathy of neighbours or strangers.(55)

The causes of national character are to be found partly in the physical, and partly in the moral circumstances of the nation.(56) Much depends upon the nature of the territory,(57) its geographical position, its climate, the qualities of its soil, its rivers and waters, its salubrity, its proximity to the sea, its size, form, and boundaries—much likewise depends upon the race and physiological peculiarities of the inhabitants. The national character is, again, partly determined by the government,(58) religion, laws, scientific opinions, and usages of the people, though the latter are, to some extent, the consequence as well as cause of the national character. The physical conditions of the national character are given quantities, and are not modified by the re-

(53) See Leroux de Lincy, *Proverbes Français*, série vi. and vii. tom. i. p. 187-259.

(54) Ray's *Proverbs*, p. 233, from Fuller's *Worthies of England*.

(55) For example:

> 'C'est un avocat de Valence—
> Longue robe et courte science.'

Again: 'Quatre choses sont difficiles: cuire un œuf; faire le lit d'un chien; enseigner un Florentin, et servir un Vénitien.'—Leroux de Lincy, *ib.* p. 200, 201; see also, above, the characteristics of the Bœotian cities.

'Les Turcs ne parlent point du peuple de Damas sans observer qu'il est le plus méchant de l'empire; l'Arabe, en jouant sur les mots, en a fait ce proverbe: *Chami, choumi—Damasquin, méchant;* on dit, au contraire, du peuple d'Alep, *Halabi, tchelebi—Alepin, petit-maître.* Par une distinction fondée sur le culte, on ajoute que les Chrétiens y sont plus vils et plus fourbes qu'ailleurs; sans doute, parceque les Musulmans y sont plus fanatiques et plus insolens.'—Volney, *ib.* tom. ii. p. 146.

(56) Upon the causes of national character, see Hume's *Essay on National Characters*, part i. essay 21; and Chenevix, *Essay upon National Character*, vol. i. p. 16. See likewise Kant, *ib.* p. 247, and the treatise of Zimmermann, *Vom Nationalstolze*.

(57) 'Territory influences the character of nations—1, by its extent; 2, by the manner in which it has been acquired; 3, by the uses to which it is applied; 4, by the nature of its boundaries, as contributing to its security.'—Chenevix, *ib.* p. 40

(58) On the assimilating influence of a common government with respect to national character, see Chenevix, *ib.* p. 301. In p. 314, he points out that government is an effect, as well as a cause, of national character.

action of the character which they create. The moral conditions of national character, on the other hand, are subject to a reflex influence, and are affected in return by the result which they assist in producing.

§ 6 By studying the prominent peculiarities of a given community, or class of communities, we are enabled to accomplish a double object, or rather we arrive at results which admit of a twofold use. In the first place, we are enabled to form limited theories, to predicate general tendencies, and prevailing laws of causation, which might not be true, for the most part, if extended to all mankind, but which have a presumptive truth if confined to certain nations. Theoretical propositions thus formed may be used for all the purposes to which theory is applicable, whether for construing past, or predicting future phenomena.(59) Again, this special knowledge enables us, in the application of universal theorems to practice, to circumscribe their import, and to qualify them by restrictions and exceptions, which adapt them to our present purpose. This latter process, as we shall show lower down, properly belongs to the department of practice.(60) If, however, general were converted into limited theories by the political philosopher, with reference to a certain defined subject, the labour of the practical man would be abridged. Moreover, the reduction would take place under circumstances more favourable to accuracy if it was made deliberately and slowly, and not on the spur of the moment. Thus Volney, in commenting upon the general proposition, that 'the plains are the seat of indolence and slavery, and the mountains the seat of energy and liberty,' observes that it requires circumscription, inasmuch as some independent and active races, as the Arabs and Tartars, have inhabited the plains.(61) If this proposition were closely examined, and compared with numerous cases, its limits might be fixed, so as to fit it for use in practice without a long preliminary adaptation.

(59) See Machiavel, quoted above, p. 108, n. 42..

(60) See below, ch. xix. § 10; xx. § 6.

(61) *Ib.* tom. i. p. 163. See above, p. 47, n. 65.

The limited theories to which we are now referring, whether in their primitive form of mere general enunciations of fact, or as converted into preceptive maxims fitted for practical application, correspond to the *axiomata media* of Bacon. These, he declares, are the really solid and living truths in which the business and fortunes of men are involved; they differ, on the one hand, from mere statements of particular facts, and, on the other, from the highest abstractions, which are notional, and devoid of solid instruction.(62) It is easy to perceive that, in estimating the actual influence of any political cause with reference to the past, in any given community, we ought to understand the individual characteristics of that community, and not, as Bacon says, to work with mere general principles of human nature; such as—that men seek pleasure and avoid pain, that they resent injuries, and the like; or, on the other hand, to rely merely on single and unconnected facts. For example: an Englishman recently arrived in India would be less likely to form a sound judgment as to the cause of any insurrection, or disturbance, or discontent among the native population of any part of the country, than one who had long resided in India, and had learnt by experience the opinions, feelings, and modes of thought prevalent among the natives. It is from the absence or insufficiency of this sort of knowledge that judgments upon the political affairs of foreign countries are often shallow and erroneous. After all due allowance is made for national predilection on the one part, and national antipathy on the other, every one must feel that the opinions of foreigners respecting his own country are frequently unworthy of serious attention. Again, with reference to the probable future operation of a political cause in a given country, such knowledge is still more requisite. Propositions descriptive of general tenden-

(62) 'Etenim axiomata infima non multum ab experientiâ nudâ discrepant. Suprema vero illa et generalissima (quæ habentur) notionalia sunt, et abstracta, et nil habent solidi. At media sunt axiomata illa vera, et solida, et viva, in quibus humanæ res et fortunæ sitæ sunt; et supra hæc quoque, tandem ipsa illa generalissima; talia scilicet, quæ non abstracta sint, sed per hæc media vere limitantur.'—*Nov. Org.* i. aph. 104; and compare aph. 69.

cies almost always require adaptation to the peculiarities of practice. Thus, Aristotle lays it down that some varieties of oligarchy and democracy respectively are better, and some worse, absolutely; but that the scale of badness or goodness may be altered if a person judges with reference to some special case, for that which is generally good may not suit a certain community.(63) In order that we may be able, when we set any political agency in motion, to form a tolerable estimate of the path which it is likely to describe, we must know the medium in which it is to move. Having this knowledge, we can calculate how far it is likely to be deflected from the straight course and in what direction, and how far its progressive movement will be retarded by the resistance of opposing influences. Before we cast the seed into the ground, we ought to know not only the general principles of vegetation and germination, but also the nature and qualities of the soil and climate in the particular spot, if we wish to make a probable conjecture of the return which it will yield to our labour, and of the produce of the harvest.

The limited theories of political science differ from the empirical laws of the physical philosopher. The latter are laws of phenomena established by induction, the causes of which are unknown, and therefore the extent of the class is still indeterminate. The inductive extension of the class from observed to unobserved cases is uncertain.(64) But limited political theories imply known laws of causation. We may be acquainted with the character or other peculiarities of certain nations, and may form predications of general tendencies, founded on that ascertained basis. The necessity of limiting our theories in politics arises, not from our ignorance of causes, but from the plastic character of human nature, which is not only permanently modified by external causes, but also modifies itself by a self-civilizing process peculiar to mankind. It grows out of the peculiar nature of an independent political society;

(63) *Pol.* iv. 11, *ad fin.*

(64) See Mill's *System of Logic*, b. iii. c. 16, § 4-8.

of the individual character which it acquires; of its history and continuous existence, and of the associations, sentiments, habits, laws and institutions, which belong to it as a community. These peculiarities are sufficiently marked and constant, and, being common to a whole nation, are sufficiently important, to be generalized and reduced to a theoretical expression. Limited theories of this sort are confined to communities of men; they are inapplicable to the animal kingdom, because races of animals are uniform and invariable, except so far as varieties in a natural species are produced by domestication. The taming hand of man can, indeed, work changes in a race of wild animals, and produce, within certain bounds, such differences between the savage and the reclaimed animal as may justify, with respect to the latter, a special and limited theory. We shall, in a future chapter, show how the operation of political causes upon a given community is modified by the peculiar circumstances of that community, and particularly by the habits of the people with respect to existing laws and social institutions.(65) It is with reference to circumstances such as these that theories of limited application are useful.

Nor are limited theories of this kind applicable only to independent political societies. Every political society, which has a separate existence, and a government of its own, and, consequently, every dependency, falls under the same category. Limited theories may be framed for a dependent province, such as Canada, or Australia, or Hindostan, or Lombardy, or Algeria are now, or as the Italian, Flemish and American provinces of Spain were formerly, as well as for an independent state. Even portions of the territory of an independent state which have been incorporated with its government may, in consequence of their former separateness, admit of similar theories. Thus Scotland, Ireland, Wales, and particular provinces of France, as Normandy, Brittany, Alsace, Provence, and certain provinces of the Prussian monarchy, may, although they are directly subject to the

(65) Below, ch. xx. § 9.

governments of England, France, and Prussia, nevertheless admit of useful generalizations peculiar to themselves. Again, we may perceive that certain sets or groups of nations agree in recognising the same international law, and that in their relations with one another they appeal to the same rules and principles. 'Whenever,' says Mr. Ward, 'we observe many different communities in the habit of making treaties and alliances together; of holding congresses, and entertaining ordinary or resident embassies at one another's courts; of appealing to each other's mediation; of deciding their differences by one known settled rule (be it good or bad); or of carrying on war in the same mode (be it cruel or lenient); above all, when we see them governed by the same customs, arising from climate or geographical situation, and bound together by one common religion, then may we fairly suppose that they agree, tacitly or expressly, to obey the same law of nations.'(66) And whenever such a group of independent nations exists, they can be combined under a common view, and considered as to their reciprocal relations, as forming a class by themselves.

(66) *History of the Law of Nations*, vol. i. p. 160: compare p. 137.

Chapter XVII.

ON HYPOTHESES IN POLITICS.

§ 1 WE have already had occasion to examine at length the nature of hypothetical reasoning in politics, and the manner in which hypothetical causes and hypothetical effects, both general and special, are determined. Hypotheses, however, are so important in politics, and their use is so extensive, that it will be convenient to take a connected view of their different forms, as applicable to our subject.

The hypotheses which we have already considered are of four kinds, and these four classes appear to comprehend all the hypotheses which require notice with reference to politics. They are—

1.—Hypotheses relative to a special case of circumstantial or historical evidence, made for the purpose of determining the cause of certain phenomena.

2.—Hypotheses relative to a special case of past events, made for the purpose of determining what consequences would have followed from a different set of antecedents.

3.—Special hypotheses, relative to some future time.

4.—General hypotheses, having no reference to time, but applicable both to the past and the future.

Each of these classes of hypotheses has been separately explained, with more or less fulness, in previous chapters;(1) but it will be desirable, for the further elucidation of the subject, to bring them under a combined view.

An hypothesis is a proposition which is not affirmed to be true, but is assumed merely for the purpose of deducing from it certain consequences.(2) Thus, in attempting to account for

(1) Above, ch. ix. § 13; ch. xi.; ch. xii. §§ 2, 3; ch. xiii.; ch. xv.

(2) On hypotheses in general, see Mill's *Syst. of Logic*, b. iii. c. 14. For Aristotle's conception of hypothesis, see *Analyt. Post.* i. 2, § 14; i. 10, § 7-11: also, *Polit.* iv. 5 and 11.

any set of facts, whose occurrence is proved by adequate evidence, we may suppose the existence of a certain cause, by which those facts would be accounted for; and if, after trying various hypotheses, we arrive at one by which all the facts are satisfactorily explained, the supposition may be received as a reality. This is the mode of reasoning (illustrated above) in cases of circumstantial evidence, where the conclusiveness of the proof depends on the closeness with which the hypothesis fits the circumstances. If a number of apparently discordant particulars are at once explained and reconciled by a single supposition, we may reasonably infer that the supposed cause is the true cause. The agreement of the two in numerous minute points carries with it conviction; just as if, on putting together two pieces of torn writing, or broken wood, we find the extremities exactly tally, we do not doubt that they had previously formed parts of one whole.

The same is the process by which the historian, or literary critic, investigates circumstances when the cause is to be found. Thus, we have the hypothesis of Wolf with respect to the origin of the Homeric poems; the hypothesis of Niebuhr, with respect to the derivation of portions of the early Roman history from ballads or epic poems; the hypotheses of Eichhorn, Marsh, and others, with respect to the origin of the text of the four gospels; the hypothesis of Horace Walpole with respect to the character of Richard the Third, and various hypotheses with respect to the Man in the Iron Mask. So there are hypotheses, in literary history, as to the authorship of certain works, as the Aristotelian *Œconomics*, the treatise *De Imitatione Christi*, the *Letters of Junius*. In each of these cases a supposition is made, the truth of which is tried by combining it with all the circumstances of the case.

A hypothesis may further be made, for the purpose of trying what would have been the course of events if certain circumstances had been different from what they actually were. Thus, we may inquire what would have happened if Alexander the Great had turned his arms against the Romans; or if the English had prevailed over their colonists in the American War

of Independence; or if Mr. Pitt had carried his intended measures with respect to the Roman-catholics at the time of the Irish Union. So, in examining any complex case of causation, we may consider what would have happened if some circumstance which was present had been absent. For example, if the establishment of a commonwealth in England is attributed to the execution of Charles I., we may ask whether it might not have been equally established, if the king had been kept in prison or driven into exile. So, again, if a low state of prices is attributed to a combination of various circumstances, we may try to determine their relative influence, by supposing any one to be absent, and computing the probable result which the remaining elements would have produced.

These hypotheses relate to past facts, and are made for the purpose of determining real causation. All hypotheses which are made for practical purposes relate to the future, and therefore they do not attempt to determine actual facts. They are, however, framed with reference to a special case, and are equally concerned in the determination of a true sequence of events. Whenever a person is about to take any political step, or to judge of any political measure proposed by others, he frames to himself certain hypotheses as to the probable consequences which would arise from such measure, in different contingencies. Not only, however, are the consequences which he thus anticipates hypothetical, but the measure itself which is in question is of the same nature. Every project of a law, every legislative draft or bill, every proposal for a treaty, every plan of finance, is a hypothesis. It is an assumption made for the convenience of reasoning, the probable consequences of which are then examined, upon the supposition that it is to be carried into effect. The manner in which this conjectural inquiry is conducted, and the hypothetical effects of a hypothetical scheme are deduced, has been traced in a former chapter.(3) The essence of such a hypothetical inquiry is, that it is circumscribed within definite

(3) Above, ch. xiii. § 2.

bounds; that it is a practical problem, involving the application of a given plan to a specific community, under determinate circumstances.

A practical hypothesis of this sort is analogous to a tale of fiction, which is a hypothetical structure, built upon a conventional hypothetical foundation. The groundwork of the fiction may be assumed according to the taste or choice of the author—it may be placed in Paradise or in Hell; in Europe or in Asia; among the Greek deities, or in the hall of Odin; in fairy-land; in the region of the gnomes and sylphs; amidst magicians and sorcerers; in Lilliput or Brobdignag; in a desert island or a crowded city; among savage tribes, in the middle ages, or in a modern civilized society. When, however, the choice has once been made—when the conventional circumstances in which the actors of the piece are to move have once been established between the author and the reader, the compact must be adhered to, and the fundamental hypothesis of the fiction must not be violated. The author of a fictitious composition is thus analogous to the inquirer who works out the imaginary consequences of a legislative proposal: in either case, there is a hypothetical substratum, upon which a certain hypothetical superstructure is raised.

Lastly, hypotheses may be made in politics, which have reference to no special circumstances either of the past or of the future, but which are quite general in their nature, and are independent of any local or temporary circumscription. Such, for example, are all theories of an ideal state, or of any model or pattern system of political institutions. An ideal state is a supposed arrangement of a political society in a certain form, the arrangement being such, that any community might be conceived as capable of being cast into that mould. All theories of the best possible institutions are, in fact, hypothetical means, conducing to certain ends, but limited by no special conditions of time, place, or person.(4)

All theories of general causation admit of being stated, with

(4) Below, ch. xxii. § 3.

reference to the future, in a hypothetical form. In truth, this is the proper mode of expressing such a law of causation. Instead of predicting absolutely that *A* will produce *B*, it is sufficient to say, that whenever *A* happens *B* will follow. Thus, the sentence of Burke, in his *Thoughts on the French Revolution*—'Kings will be tyrants from policy, when subjects are rebels on principle'—is the hypothetical assertion of a general law of causation, namely, that if subjects systematically resist legal power, rulers will exercise that power in a harsh manner, upon grounds of expediency. In like manner, it may be affirmed that, if certain maxims of international conduct were observed, and if independent nations abstained from certain acts towards each other, wars would cease, and a perpetual peace would prevail. Perpetual peace is a hypothetical state of things, which might exist if the conditions necessary for its existence were fulfilled; and those conditions are possible, though improbable.

§ 2 It is of the essence of hypotheses, whatever may be the nature of the subject, that they are to a certain extent arbitrary, and that they may be varied at pleasure; that different hypotheses may be started by different persons, or that one hypothesis may be substituted for another.(5) Thus, in arguing upon a case of circumstantial evidence, where the problem is to find a common cause which will explain all the appearances, rival hypotheses may be propounded. In the trial of a prisoner, for example, the hypothesis advanced on the part of the prosecution is, that his commission of the crime charged explains all the facts; whereas, his defence rests on the alleged inconsistency of some of the appearances with this supposition. Historical controversies upon the effect of evidence likewise, for the most part, consist in the attack and defence of rival hypotheses. Again, in hypotheses made for practical purposes, the same process is of perpetual occurrence: all counter-proposi-

(5) When a person in argument varies the hypothesis upon which his reasoning rests without notice, he is said 'to shift his ground.' Arguers often shift their ground unfairly in practical discussion, in order to obviate objections made to their hypothetical propositions.

tions in affairs of business, whether public or private, are of this nature. The proposal of an amendment to a legislative draft—of a counter-project to a treaty—are merely substituted hypotheses. And as each new basis of this kind is established, a new superstructure of hypothetical arguments, showing its probable consequences in the event of its being adopted, is erected upon it.

§ 3 Uncertainty is the origin of hypotheses. If we know, we do not suppose. When a hypothesis has been proved, we no longer call it a hypothesis. It is only a hypothesis while the argument is in a provisional state, and remains, as it were, on its trial. For example, no one would now speak of the hypothesis of the spuriousness of the *Epistles* of Phalaris, or the *Poems* of Ossian. The use of a hypothetical proposition implies doubt—if not in the person who utters it, yet in the person to whom it is addressed. When the jesuit editors of Newton spoke of his assuming the hypothesis of the motion of the earth in his third book, a hypothesis which they were forced as commentators to concede, contrary to the decrees of the popes, which declared the earth to be stationary, they certainly implied that their readers would treat the hypothesis as doubtful, or even false, whatever their own belief on the subject may have been.

Hypotheses are made for the purpose of assisting the mind in reasoning, when we are uncertain as to our conclusion. We try different hypotheses in a case of circumstantial evidence, when we are in doubt as to the cause of patent effects. We try different hypotheses with reference to the future, when we are in doubt as to alternative courses of action. Again: hypotheses may be made without any specific aim, either for the past or the future, for the purpose of framing an imaginary structure of reasoning. We may assume certain premises, merely for the sake of the inferences to be drawn from them; we may establish a certain arbitrary basis, merely for the sake of the edifice to be raised upon it. Our object being merely to show the connexion of our reasoning, it is unnecessary to

assume any foundation of positive fact. It is sufficient for us to say, that if the substratum is admitted to exist, the superstructure which we build coheres with it. It is unnecessary for the contriver of an Utopia to select any real country for his legislation. All that he need say is: Given, a conceivable country, of such a territory, position, climate, fertility, population, &c., and let its political institutions be moulded after a certain supposed pattern, the people will enjoy the highest degree of happiness which civil government is capable of securing. Hence, it may be said that a proposition is false *in thesi*, but true *in hypothesi*. That is to say, a false or doubtful proposition may be admitted to be true for purposes of reasoning.

All hypotheses have this in common—that they are made for the sake of the reasoning which is founded upon them. All hypotheses, therefore, whether speculative or practical, are made for an argumentative purpose; but a practical hypothesis is argumentative, and something more. It implies that the person who makes it is in favour of the course which he supposes. When a person recommends a scheme of a law or a treaty, he not only makes a hypothesis, but he also intimates his wish that a course of conduct similar to that supposed by him should be adopted.

§ 4 Every special hypothesis ought to be within the bounds of possibility. When the argument relates to a special set of circumstances, either past or future, no benefit can arise from tracing the consequences of a hypothesis which could not have occurred previously, or which cannot occur hereafter. In discussing a case of circumstantial evidence, or in deliberating upon a practical course of conduct, our hypotheses must, in order to lead to any useful result, accord with realities. But general hypotheses are not bound by this condition. Where a hypothesis is made for a scientific purpose, imaginary data, not actual, and sometimes not even possible within the limits of our experience, may be assumed for the purpose of simplifying the problem, and of obtaining a provisional solution, which is correct for the elements it comprehends, but no further. Thus, in

mechanics, we may inquire what will be the motion of a body in space, unretarded by friction. Such motion never, in fact, happens upon the earth, or within the limits of the terrestrial atmosphere; but the determination of the motion of a body, subject to friction, may be assisted by a knowledge of its motion when it is free from friction. The hypotheses of political theory are similar in their nature: they assume a simple state of things, different from that of any actual case; they exclude from their abstract conception many circumstances which every concrete case presents; and they examine the consequences of the hypothesis thus narrowed.(6) Such a deduction from a theoretical hypothesis cannot be applied in practice, without taking account of the circumstances which the theorist intentionally omits, but which the practician must sedulously observe and consider. To apply crudely the results of such a hypothesis to an actual case, is equivalent to an inference, that a cannon-ball will travel on for ever in a straight line, because this would happen to a body unaffected by gravity, and moving *in vacuo*.

(6) See Say, *Cours Complet d'Econ. Pol.* tom. i. p. 27; Mill's *Essays*, p. 137-40; and compare the commentary of the *Edinburgh Review*, vol. lxxxviii. p. 302-5.

Chapter XVIII.

ON THE EXISTENCE OF A SCIENCE OF POLITICS.

§ 1 WE have now completed so much of our inquiry as relates to the methods of determining political causation, both special and general, and we have also investigated the nature of political theory. The remaining portion of the treatise will relate to the subject of political practice: an attempt will be made to investigate the manner in which political theories are first converted into rules of conduct, and afterwards these rules of conduct are applied in action to special cases. Before, however, we commence this portion of the inquiry, we are called upon to consider the preliminary question, whether there is a science of politics; and then, if there be such a science, to ascertain what relation it bears to the corresponding art?

The positive branch of politics, as we have above represented it, has all the attributes of science. It relates not to individual, but to general facts. It is not limited in its application, but describes the necessary constituents and operations of political government. It is not confined to the government of a particular community, or of a definite set of communities, but it shows what are the elements of which every government must consist, and what are the powers which it must possess, if it be in fact a government.(1)

It may, perhaps, be objected that, as positive politics implies the existence of something fashioned and contrived by man, it ought to be considered rather an art than a science. It may be said that the analogy between positive politics and physiology—between the scientific descriptions of the body natural and of the body politic—does not hold good, inasmuch as the one is the

(1) Above, ch. iii. § 3; ch. v. § 8.

work of man, and the other is not. But the import of science cannot be thus restricted. The sciences are, doubtless, occupied to a great extent with the investigation of phenomena which are not of human origin. Even the physical sciences, however, go beyond these boundaries. The science of mechanics derived its name from the consideration of mechanical contrivances, such as the lever, the inclined plane, the wheel and axle.(2) These, together with other similar works of man's hands, as the pulley, the pendulum, &c., form that branch of mechanics which is called statics. It was only by a later extension of the name that the doctrine of motion, even of the motion of the heavenly bodies, was included in mechanical science, and that the theory of astronomical motions and attractions has been treated under the title of *mécanique céleste*. The science of hydrostatics, likewise, is occupied to a great extent with the motion and pressure of fluids when subjected to the influence of human contrivances, such as tubes, vessels, pumps, &c.; and a similar remark applies to the science of optics.(3)

If any department of human nature is to be the subject of science, we must admit that there may be a science of things which owe their form to man. Not only such subjects as language, education, and strategics, but even ethics, imply the existence of relations which are of human institution. Without the fundamental ideas of political government, marriage, family, possession, and property, no scientific investigation in ethics or the cognate sciences can proceed a step.(4) It is from a perception of the necessity of these ideas to ethical and political science

(2) See the introduction to Aristotle's short collection of mechanical problems, entitled Μηχανικά, p. 847, ed. Bekker. In this introduction, Aristotle defines *μηχανή* to be a contrivance of art intended to assist the wants of man; and he points out the difference between an inquiry into the causes of natural phenomena, and an inquiry into the contrivances of art. He seems, however, to be embarrassed by the relation of mechanical to physical problems: *Ἔστι δὲ ταῦτα* (he says) *τοῖς φυσικοῖς προβλήμασιν οὔτε ταὐτὰ πάμπαν οὔτε κεχωρισμένα λίαν, ἀλλὰ κοινὰ τῶν τε μαθηματικῶν θεωρημάτων καὶ τῶν φυσικῶν.*

(3) See Whewell's *Hist. of the Inductive Sciences*, b. ii. ch. i.; b. vi. ch. i.

(4) See above, ch. ii. § 9.

that there has been, in some cases, a disposition to treat the institutions in question as *natural*, and thus, as it was thought, to give them a scientific generality, by withdrawing them from the domain of human influence. But this explanation is a mere verbal artifice, which (as we shall see presently) avails nothing; and it is better to admit, without resistance, that the human origin of political institutions is not a valid reason for excluding politics from the region of science.

We may conclude, therefore, that positive politics, as defined in previous parts of this treatise, possesses the distinctive properties and marks of a science. Whether, however, speculative politics—that branch of politics which considers the tendencies, character, and goodness of political institutions—equally admits of a scientific treatment, is less certain.

§ 2 We have, in a former chapter,(5) inquired how far universal propositions, or theorems of unlimited application, can be laid down in politics; and the result at which we arrived was, that the number of such true theoretical propositions is small, and that these are often uninstructive, from their vague and abstract form. So far, however, as true theorems, expressive of fact, can be laid down in this department of politics, they have properly a scientific character. It was shown, however, in the succeeding chapter,(6) that it is possible to enlarge the region of speculative politics, consistently with the true expression of facts, by narrowing the range of observation, and confining ourselves to a limited class of communities. By the adoption of this method, we are enabled to increase the number of true political theorems which can be gathered from the facts, and, at the same time, to give them more fulness, life, and substance. Instead of being mere jejune and hollow generalities, they resemble the *Media Axiomata* of Bacon, which are generalized expressions of fact, but, nevertheless, are sufficiently near to practice to serve as guides in the business of life.

§ 3 It is chiefly by considering how much is involved in

(5) Above, ch. xv. (6) Ch. xvi.

the diversities of nations—their national character, habits, and other circumstances—that Mr. Mill, in his *System of Logic,* is led to the conclusion, that 'there can be no separate science of government.'(7) All theories (he afterwards adds) respecting forms of government in the abstract, are fruitless and worthless.(8) There can, in his view, be only a general science of society; but a speculative system of political science, in the sense here in question, is, he thinks, impossible.

With respect to the existence of a science of society independent of political science, we refer to the remarks in a former part of this treatise.(9) We will here confine our attention to so much of Mr. Mill's reasoning as is founded on the necessity of adapting political theorems to national peculiarities, and thus depriving them of their scientific generality.

It may be, and is doubtless, true, that the number of universal propositions which can be safely laid down in speculative politics is not large, and that even these are not in general very instructive. It may be necessary to limit our theorems both in *time* and in *place*. We may be compelled, by the nature of the subject, to select a definite period of history, and a definite portion of the inhabited earth, for our generalizations, or perhaps to combine both limits together. But the necessity for such limitations does not prove that speculative politics are essentially devoid of the scientific character. There are other subjects, considered to admit of a scientific treatment, in which the field of observation and description is partitioned into limited areas: meteorology, natural history, botany, geology, and physical geography, are subject to this law. The climates, winds, and other atmospheric phenomena of different countries cannot be reduced into a common expression. The animal and vegetable species of different regions are not the same; and, moreover, the same species is influenced by change of

(7) Vol. ii. p. 578.

(8) *Ibid.* p. 598. He qualifies this proposition to a slight extent, but the qualification is not material in this context.

(9) Above, ch. ii. § 9.

place. Geology and physical geography must follow the variations in the earth's surface. Linguistic science must take note of the varieties of languages, both simultaneous in different languages, and successive in the same. Even physiology and pathology must, to a certain extent, adapt their descriptive theories to races of mankind, and to varieties of climate and place of habitation. Yet the necessity of circumscribing the generality of theoretical expression in these subjects, and of distributing the descriptions into certain adjacent compartments, has not prevented these branches of knowledge from being considered as portions of the domain of science.

We must keep clear of the error of the ancient philosophers, who, having distinguished between necessary and eternal truths on the one hand, and contingent and temporary truths on the other, made the former exclusively the subjects of science and of demonstrative proof.(10) Unless it is admitted that there may be a science of things which are liable to change in successive periods of time, the chief part of politics, and, indeed, of all other subjects involving human action, must be excluded from scientific treatment. In this respect, man, as we have already had occasion to remark, differs not only from the insentient objects of nature, but from other animals. He has within himself a principle of change, by which the course of every national history is influenced; but there is no reason why this peculiarity of his nature should exclude him from the generalizations of science. It is, as Aristotle has observed, a mark of an instructed mind to rest satisfied with that degree of precision which the nature of the subjects admits, and not to seek for exactness where only an approximation to the truth is possible.(11)

(10) See Aristot. *Eth. Nic.* vi. 3; *Anal. Post.* i. 4. An argument in Cic. *de Orat.* ii. 7, assumes that there cannot be an art of things which rest merely on opinion, and that there can only be an art of things which are the subjects of certain knowledge. Compare i. 20: 'Artem vero negabat esse ullam, nisi quæ cognitis, penitusque perspectis, et in unum exitum spectantibus, et *nunquam fallentibus*, rebus contineretur.' This is an arbitrary limitation of the idea of art, similar to that here indicated with respect to science.

(11) *Eth. Nic.* i. 1; *Eth. Eud.* i. 6. See above, ch. i. § 3.

§ 4 The difference just adverted to between politics and the physical sciences, is a material fact with respect to the comparative use of the inductive and deductive methods in these two classes of sciences respectively. The matter of the physical sciences is unchangeable, except so far as it is subject to cyclical alternations. When once the facts have been determined by accurate and complete observations, deductive reasoning may be founded on these, to an unlimited extent. No scientific light is derived from fresh observations of phenomena identical with those already observed correctly. It is a mere re-travelling of ground already travelled over—a re-measuring of distances already measured—a re-weighing of bodies already weighed—a re-enumeration of items already enumerated. When once the periodic times of the planets have been determined, it may be assumed that their cyclical recurrences will be invariable. When once the periodical blowing of the monsoons and of the trade-winds, in each part of the earth, has been settled by a sufficient number of observations, their regular reappearance at the same intervals may be confidently anticipated. When once the specific gravity of a piece of gold or platina has been ascertained, it may be assumed that the specific gravity of other specimens of these metals will be similar.

It is therefore true that, as observation in the physical sciences is extended—as it is more precise, more complete, and better registered, the inductive reasoning founded immediately on such observed phenomena is less in demand. The extent of the classes for which the partially-observed phenomena are to serve as specimens has been settled. These generalizations, therefore, serve as fixed points, from which deductive reasoning may proceed. Hence it is true, as Mr. Mill has observed,(12) that in the physical sciences reasoning is now undergoing a transition from the inductive to the deductive stage.

But this description cannot be extended to politics. The subject-matter of politics is in an ever-varying state. There

(12) *Syst. of Logic*, b. iii. c. 13, § 7.

is a succession of acts in every community, constituting its history, which require an unintermitting observation and registration. The general theorems of politics need to be constantly revised and corrected, as these new series of events arise—as a fresh harvest of facts is annually gathered into the garner of the historian and statistician. They must be confronted with the perpetually-accruing phenomena, and their testimony tried by this test. New forces introduced into society, such as gunpowder, printing, steam-navigation and railways, or new systems of philosophy, or forms of religious belief, or states of religious indifference, render it necessary to modify the propositions founded upon the prior experience. The means of intellectual and physical communication, and the mode of warfare, often determine the action of government: hence the facts bearing on such subjects must be re-classified, and new inductive processes gone through. From the new inductions thus successively obtained, the political philosopher may construct new theorems, either universal or limited—either extending to all mankind, or confined to certain communities. It follows, therefore, that whereas the physical sciences, as their foundations are better ascertained, will become more and more deductive, the occasions for inductive reasoning in politics will be incessantly renewed.(13)

§ 5 The department of politics which we have called speculative, and to which such works as the *Discourses* and the *Prince* of Machiavel, and the *Esprit des Lois* of Montesquieu, in great part belong, has by some writers been denominated the *science of legislation.* Filangieri gave this title to his political work, the object of which is to lay down the principles with which laws ought to conform. The *Traité de Legislation* of M.

(13) 'On admire encore, par habitude, des écrivains qui ont joui d'une juste célébrité, parcequ'au moment où ils ont paru, ils se sont trouvés beaucoup plus avancés que ne l'étaient leurs contemporains. On cite quelquefois leurs ouvrages, mais on les cite sans y croire, et souvent même sans les avoir lus; on les considère moins comme des corps de doctrine, que comme des arsenaux qui peuvent nous fournir des armes contre des ennemis. Ceux qui se donnent la peine de les étudier, sentent qu'ils ont été faits *pour un ordre de choses qui n'existe plus, et pour des temps qui ne sauraient revenir.*'—Comte, *Traité de Legislation,* liv. i. c. 1.

Charles Comte is a treatise on the science of legislation, as understood by him; that is to say, the science of the natural laws which regulate the condition of nations, and determine their prosperity, decline, or stagnation.(14) Storch, in the introduction to his treatise on political economy, divides the science of government ('la science de l'état') into two branches, social science and politics—the former being the theoretical, the latter the practical department of the subject.(15)

The term 'science of legislation' has been lately objected to by Mr. Mill, on the ground that legislation is making laws, and that we do not talk of the science of making anything.(16) Undoubtedly it is more correct to speak of the *art*, than of the *science* of legislation. Legislation is a practical work, for which the assistance of different sciences is often requisite. By the science of legislation has been generally understood, a theoretical inquiry into those political principles which serve to guide the legislator—the 'legum leges, ex quibus informatio peti posset, quid in singulis legibus bene aut perperam positum aut constitutum sit.'(17) Speculative treatises on political economy and on

(14) 'Je voudrais, à l'aide de ces méthodes, essayer de découvrir et d'exposer quelles sont les lois générales suivant lesquelles les nations prospèrent, dépérissent, ou restent stationnaires.'—*Traité de Législation*, tom. i. p. 4 (Paris, 1835).

'La science de la législation a pour objet la connoissance des rapports naturels qui existent, soit entre les divers membres ou les diverses fractions dont chaque société se compose, soit entre les hommes et les choses destinées à pourvoir à leur existence, ou à leur conservation.'—*Ib.* p. 26. See also p. 24, on the wide extent of the science of legislation.

(15) *Cours d'Economie Politique*, tom. i. p. 12-6.

(16) 'The *science* of legislation is an incorrect and misleading expression. Legislation is making laws. We do not talk of the science of making anything. Even the *science of government* would be an objectionable expression, were it not that government is often loosely taken to signify, not the act of governing, but the state or condition of being governed, or of living under a government.'—*Essays on some Unsettled Questions of Political Economy*, p. 136, n.

(17) Bacon *de Augm. Scient.* lib. viii. aph. 6 (vol. ix. p. 85). Concerning the expression *leges legum*, see Bacon, vol. xiii. p. 138; Stewart, *First Diss.* p. 36. The expression, as used by *a great civilian*, appears to refer to general legal maxims, such as those collected in Bacon's tract, which are applicable to a great variety of heads of law; for example, 'verba fortius accipiuntur contra proferentem.'

criminal and civil jurisprudence would, according to this acceptation of the term, form a part of the science of legislation.

§ 6 When it is perceived that political society and government are not accidental—that the wants, capacities, and feelings of man create certain conditions, with which political institutions must comply, and which circumscribe the free choice of the legislator by fixed limits, and that these conditions are common to the entire human race, it must be admitted that politics contain an element which is susceptible of scientific treatment. A large number of political philosophers, however, have not stopped here: they have not been satisfied with saying that there is a science of politics which furnishes theoretical principles, and that it belongs to the art of politics to show how those principles are to be applied in practice; but they have laid it down that there is a universal LAW OF NATURE, to which the civil law of every state, and the constitution of every government, ought to conform.

We have already pointed out the non-existence of any such universal standard of legislation, or canon of positive law, as the doctrine of the law of nature assumes.(18) Nevertheless, in denying the existence of a law of nature, or, at least, in denying the possibility of affixing any distinct meaning to the phrase, we are not to be understood as maintaining that, because there is no natural law, therefore positive law is independent of human nature, and that its standard is the mere arbitrary will of the legislator.(19)

(18) Above, ch. xv. § 3.

(19) This is the doctrine of Thrasymachus, in the first book of Plato's *Republic*, that justice is τὸ τοῦ κρείττονος συμφέρον. See i. 12, p. 338, with Ast's note, who says: 'Scilicet sophistæ, virtutem ipsam pervertentes, et moralem quam dicimus, hominis naturam tollentes, quæ justa et honesta censerentur, non per se (φύσει, naturâ) justa et honesta esse statuebant, sed lege et conventione quâdam (νόμῳ et θέσει).' The opinion is here correctly stated, though Mr. Grote is doubtless right in denying that it can be truly attributed to '*the* Sophists' in a mass, *Hist. of Gr.* vol. viii. p. 530-3: compare the remarks (p. 524) on the same opinion. A similar doctrine was maintained by Carneades: 'Carneades ergo, quoniam erant infirma quæ a philosophis afferebantur, sumpsit audaciam refellendi, quia refelli posse intellexit. Ejus disputationis summa hæc fuit: jura sibi homines pro utilitate sanxisse, scilicet varia pro moribus; et apud eosdem pro temporibus sæpe mutata: jus autem naturale esse nullum: omnes et

The indistinctness which pervades almost all the arguments on the subject, from Plato and Aristotle down to the writers of our own age, is chiefly owing to the indeterminate sense of the word *nature*. An antithesis is established between that which exists by *institution*, and that which exists by *nature*; and the consequences of this opposition are then deduced, before it is made clear what are the two ideas which are thus opposed to each other. The obvious meaning of this opposition is, that nature is a negation of law or positive institution, as it is of art; that it is the state which excludes human agency or interference.(20) Thus marriage, with its accessory rights, is an insti-

homines, et alias animantes, ad utilitates suas naturâ ducente ferri; proinde aut nullam esse justitiam, aut, si sit aliqua, summam esse stultitiam.'—Lactant. *Div. Inst.* i. 16. Compare Ritter, *Gesch. der Phil.* vol. iii. p. 671-3.

The arguments of Carneades on justice and injustice are recited at length in the speech of Philus, in the third book of Cicero *de Republicâ;* in which, though it is not preserved entire, the course of the reasoning can be followed. The same doctrine is expressed in the following verses of Horace:

> 'Jura inventa metu injusti fateare necesse est,
> Tempora si fastosque velis evolvere mundi.
> Nec natura potest justo secernere iniquum,
> Dividit ut bona diversis, fugienda petendis'—
>
> *Sat.* i. 3, v. 111-4;

where Orelli says: 'Ex doctrinâ Sophistarum Epicurique nihil justum aut injustum est naturâ, sed legibus ac moribus; contra naturale est discrimen inter bona et mala, et suopte instinctu homo ducitur ad illa appetenda, hæc fugienda.' The same doctrine is implied in the celebrated dictum of Pindar, *νόμος ὁ πάντων βασιλεὺς*, as interpreted in the curious passage of Herodotus, iii. 38 (*Fragm. inc.* 48.)

The opposition of nature and law is laid down by Callicles, in the *Gorgias* of Plato, (c. 84-87, p. 482-4,) and is stated by Aristotle (*Soph. Elench.* c. 12, § 8) to have been acknowledged by all the early philosophers. Compare *Eth. Nic.* i. 1: *τὰ δὲ καλὰ καὶ δίκαια, περὶ ὧν ἡ πολιτικὴ σκοπεῖται, τοσαύτην ἔχει διαφορὰν καὶ πλάνην, ὥστε δοκεῖν νόμῳ μόνον εἶναι, φύσει δὲ μή.*

As to the doctrine attributed to Hobbes, that there is no natural justice, and that the only standard of justice is the will of the ruler, see Cudworth, *Systema Intellectuale*, vol. ii. p. 598; ed. Mosheim.

(20) In the following dialogue, at the beginning of Dryden's *Indian Emperor*, the new world is represented as being in a state of nature, without arts, and is contrasted on this account with the old world:

> '*Pasq.* Corn, wine, and oil are wanting to this ground,
> In which our countries fruitfully abound;
> As if this infant world, yet unarray'd,
> Naked and bare, in Nature's lap were laid:

tution or creation of positive law: and hence natural children (*filii naturales*) *i. e.* the children of unmarried parents, are opposed to legitimate children, *i. e.* the children of married parents. In like manner, a natural lake or stream is opposed to an artificial one, the former existing without human interference, the latter being the work of man's hands. A natural year is one whose limits are marked by astronomical events; a civil year is one whose limits are marked by some event dependent on human volition. In this sense, every law or institution which owes its origin to man, is something which does not exist by nature.(21)

If, however, by nature we mean not a merely negative idea, but the order and system of the universe—the aggregate of the laws by which the physical and moral world is governed—then human institutions and works of all kinds must be *according to nature*.(22) They must, if they are to accomplish the purposes

No useful arts have yet found footing here,
But all untaught and savage does appear.

'*Cort.* Wild and untaught are terms which we alone
Invent, for fashions differing from our own.
For all their customs are by Nature wrought,
But we, by art, unteach what Nature taught.'

(21) In a conference between James I. and the judges, upon the question whether the king could try causes in person, James remarked: 'I have often heard the boast, that your English law was founded upon reason. If that be so, why have not I and others reason as well as you, the judges?' To which Sir Edward Coke, the chief-justice, answered: 'Your majesty will allow me to say, with all reverence, that you are not learned in the laws of this your realm of England, and I crave leave to remind your majesty, that causes which concern the life or inheritance, or goods or fortunes, of your subjects, are not to be decided by *natural reason*, but by *the artificial reason and judgment of law*, which law is *an art* which requires long study and experience before that a man can attain to the cognizance of it.'—Cited from Coke's *Reports*, in Lord Campbell's *Lives of the Chief Justices*, c. 8.

(22) 'We speak of art as distinguished from nature, but art itself is natural to man. If we admit that man is susceptible of improvement, and has in himself a principle of progression and a desire of perfection, it appears improper to say that he has quitted the state of his nature, when he has begun to proceed; or that he finds a station for which he was not intended, while, like other animals, he only follows the disposition, and employs the powers, that nature has given. The latest efforts of human invention are but a continuation of certain devices which were practised in the earliest ages of the world, and in the rudest state of mankind.'—Ferguson, *Essay on the History of Civil Society*, p. 10, 13.

'Allowing distinctly that the right of property is the creature of positive law, yet this law is so early and so imperiously forced on the attention

for which they are contrived, be in conformity with the natural laws of phenomena. 'Naturæ non imperatur nisi parendo,(23) says Lord Bacon, an aphorism applicable to every thing made by man, whether it be a machine, a manufacture, or a political institution. Agriculture is an artificial, not a natural process; but if the cultivator does not adapt his processes to the laws of nature—if he does not govern his conduct by the climate, seasons, and nature of the soil, and if he does not observe the limits within which the conditions of animal and vegetable life confine his operations, his labour and expense will be in vain.(24) Naviga-

of mankind, that if it cannot be called a *natural law*, it must be considered *the most natural* as well as the most necessary of all positive laws.'—Sumner, art. 'Population,' in *Suppl. Enc. Brit.* vol. vi. p. 331. Here *natural*, in the first place, means *not positive*—in the second place, it means *agreeable to our nature.*

(23) *Nov. Org.* i. aph. 129. Compare aph. 3: 'Natura non nisi parendo vincitur.'

(24) 'There are three primary elements necessary to the success of agricultural operations—skilful husbandry, a well-constituted soil, and a genial climate. The first of these is now placed within the reach of every intelligent man, and depends on the application of his own skill and industry; the constitution of the soil is in general well adapted by nature for the functions it has to perform; and where it is defective, its composition may be corrected and its productive powers increased; but the elements which constitute climate appear to be beyond man's control; he is comparatively powerless to mitigate its rigour, or to add to its generous influence. It is man's master, exacting submission—not his servant, obeying his behests. Of what avail, then, it may be asked, is the knowledge of such a subject? *That we may bend to the power we cannot control, and learn to adapt our culture to the capabilities of the climate:* indeed, climate is the ruling principle of agriculture—the law which governs the productions of different countries; and he who yields the most enlightened obedience obtains the largest reward.'—Whitley, 'On the Climate of the British Islands in its Effect on Cultivation,' *Journal of the Royal Agricultural Society*, vol. xi. p. 1.

'Quiconque agit en dépit des lois de la nature n'éprouve que désastres. Les hommes sages en tirent, au contraire, de puissans secours quand ils apprennent à les connaître et à s'en servir. Un architecte qui construirait ses voûtes sans consulter les lois de l'équilibre, verrait son édifice s'écrouler. L'homme qui mettrait de la cire au feu afin de la durcir, n'en retirerait que confusion. Combattre les forces de la nature, c'est les employer contre soi. Or nous avons eu lieu de nous convaincre que l'existence du corps social est soumise à des lois non moins positives, non moins impérieuses, que celles qui président à l'existence du corps humain; à des lois qui rèsultent de la nature des sociétés; que l'homme n'a point établies, et qu'il n'a pas le pouvoir d'abroger. Nous pouvons employer en notre faveur la puissance de ces lois; quand nous les méconnaissons, au lieu des services que nous en pouvions attendre, nous n'avons que des malheurs à recueillir.'—Say, *Cours d'Econ. Polit.* tom. i. p. 33-4.

tion is an artificial, not a natural process; but if a ship is not so constructed that it will float and cut the waters, and so managed as to take advantage of the winds and other physical powers which can be used for impelling it, the navigator will effect nothing. In like manner, political laws and institutions, though they do not exist by nature, though they are contrived and established by man, must, if they are to attain the ends for which they are designed, be in accordance with the natural laws of society—those *leges legum,* which consist in the constitution of man, physical, moral, and intellectual. Government is an art, exercised in conformity with human nature: it must, in order even that a political society should exist, observe the conditions of human nature; and in proportion as those conditions are skilfully observed, and the end of the art (viz. the well-being of the community) is kept steadily in view, it will be more perfect in its structure.([25])

(25) With respect to the natural laws of society, which determine the construction of civil laws, as the physical laws determine works of art, see Cic. *de Leg.* i. 11-3; Stewart, *Elements of the Phil. of the Human Mind,* vol. i. c. 4; Say, *Cours d'Economie Politique,* tom. i. p. 2-6; Storch, *Cours d'Economie Politique,* tom. i. p. 13-4. 'Il n'y a point d'arbitraire dans la nature; tout est soumis à des lois invariables, les phénomènes de l'ordre moral comme ceux du monde physique. Il y a, donc, nécessairement un ordre naturel pour l'arrangement et l'étude des faits qui sont du domaine de la législation, comme pour les faits qui appartiennent à l'histoire naturelle.'—Comte, *Traité de Législation,* tom. i. p. 26; also, Aug. Comte, *Cours de Phil. Pos.*

Mr. Stewart, in the following passages of his *Memoir of Adam Smith,* clearly illustrates this acceptation of the word nature: 'The advantages which modern policy possesses over the ancient arise principally from its conformity, in some of the most important articles of political economy, to an order of things recommended *by nature.*'—p. 86; ed. 4to, 1811. 'I shall content myself with remarking, in general terms, that the great and leading object of his (Adam Smith's) speculations is to illustrate the provision made *by nature* in the principles of the human mind, and in the circumstances of man's external situation, for a gradual and progressive augmentation in the means of national wealth; and to demonstrate that the most effectual plan for advancing a people to greatness, is to maintain that order of things which *nature* has pointed out.'—p. 88.

Similar expressions occur in his *Elements of the Philosophy of the Human Mind.* Thus, in vol. i. p. 250, he says: 'In order to lay a solid foundation for the science of politics, the first step ought to be, to ascertain that form of society which is perfectly agreeable to *nature* and to justice.' Again, the first supposition of the economical, as distinguished from the Utopian system, is, that 'the social order is, in the most essential

Nature, therefore, considered as the general expression for the laws of the world in which we live, is not inconsistent with political institution. Indeed, every political institution must, in order to perform its functions adequately, comply with the laws of human nature. In this sense, we must understand the saying of Socrates, who denounced the separation of nature from utility.(26) Every creation of man must, in order to be useful, conform with the conditions of humanity. But, as we have already shown, the principles which determine the goodness or badness of institutions, and which serve as the standard by which they are tried, are not universal and immutable.(27) In this

respects, the result of the *wisdom of nature*, and not of human contrivance.' —vol. i. p. 250.

The following passage of M. Guizot contains a similar use of the word in question: 'Non seulement le gouvernement est nécessaire, mais il se forme tout *naturellement*. Je ne puis m'arrêter longtemps à expliquer comment le gouvernement naît et s'établit dans la société en général. Je me bornerai à dire que, lorsque les choses suivent *leurs lois naturelles*, quand la force ne s'en mêle pas, le pouvoir va aux plus capables, aux meilleurs, à ceux qui mèneront la société à son but. S'agit-il d'une expédition de guerre? ce sont les plus braves qui prennent le pouvoir. L'association a-t-elle pour objet une recherche, une entreprise savante? le plus habile sera le maître. En tout, dans le monde, livré *à son cours naturel*, l'inégalité *naturelle* des hommes se déploie librement, et chacun prend la place qu'il est capable d'occuper.'—*Histoire de la Civilisation en Europe*, leçon 5.

Phrases of this sort ought properly to be restricted to the sense of nature, which expresses the aggregate conditions of human existence. There is, however, a tendency (as may be observed in some of the instances quoted) to go a step further, and to set up an arbitrary set of conditions, selected by the writer himself, to which he affixes the imposing title of 'nature.' Thus, Aristotle defines three forms of government, which he considers 'right' (ὀρθαί), and three others which he regards as depravations of these. The latter, he lays it down, are 'contrary to nature' (παρὰ φύσιν): *Pol.* iii. 17, cf. 7. A bad form of government is, however, just as much in accordance with the laws of human nature as a good form of government, in the same manner that a hurricane, which devastates a country, is as much in accordance with the laws of physical nature as fine weather, which brings plenty.

(26) Jus igitur datum est omnibus; recteque Socrates exsecrari eum solebat, qui primus utilitatem a naturâ sejunxisset. Id enim querebatur caput esse exitiorum omnium.—Cic. *de Leg.* i. 12; compare *De Off.* iii. 3.

(27) See Aristot. *Eth. Nic.* v. 10. The following passages respecting the non-existence of universal principles of natural justice occur in the speech of Philus, in the third book of Cic. *de Republicâ*: 'Jus enim de quo quærimus, civile est aliquod, naturale nullum: nam si esset, ut calida et frigida, et amara et dulcia, sic essent justa et injusta eadem omnibus.' —iii. 8. 'At nec inconstantiam virtus recipit, nec varietatem natura

respect they differ from physical laws. Yet they admit of a scientific treatment, and an art may be founded on the science thus constructed.

§ 7 We have already adverted to the dictum, that 'human nature is always and everywhere the same,' and have shown in what sense this dictum is to be understood.(28) So far as the identity of human nature imposes identical conditions upon the practical problem of the legislator, we may expect to find that the solutions will be substantially identical. Hence are to be explained the close resemblances in the political institutions of remote countries, formed without mutual concert, and not derived from any common model.(29) In like manner we may explain the resemblance of wearing apparel, tools, arms, the products of the spindle and the loom, and other mechanical contrivances, in numerous and unconnected nations. Having similar wants, and being subjected to similar laws of nature, they have devised similar expedients.(30) If we were to take any work of human ingenuity, for example, a ship, we might parody the famous passage of Cicero, on the universality of law,(31) and say that there is one universal and invariable form of ship—that it floats on all waters

patitur; legesque pœnâ, non justitiâ nostrâ, comprobantur. Nihil habet igitur naturale ejus; ex quo illud efficitur, ne justos quidem esse naturâ.'—*Ib.* c. 11. It is to be observed, that these are the opinions, not of Cicero himself, but of Carneades, and are introduced only to be controverted.

(28) Above, ch. xv. § 4.

(29) Aristotle, in his *Rhetoric,* divides law into *ἴδιος* and *κοινός*, the former of which is the *jus civile*, the law peculiar to each state. The latter he defines thus: *κοινὸν δὲ τὸν κατὰ φύσιν· ἔστι γάρ. ὃ μαντεύονταί τι πάντες, φύσει κοινὸν δίκαιον καὶ ἄδικον, κἂν μηδεμία κοινωνία πρὸς ἀλλήλους ᾖ μηδὲ συνθήκη.*—i. 13, § 2.

(30) 'It is observable (says Dr. Johnson) that most nations, amongst whom the use of clothes is unknown, paint their bodies. Such was the practice of the first inhabitants of our own country. From this custom did our earliest enemies, the Picts, owe their denomination. As it is not probable that caprice or fancy should be uniform, there must be, doubtless, some reason for a practice so general and prevailing in distant parts of the world, which have no communication with each other.'—*Life of Sir Francis Drake; Works*, vol. vi. p. 347.

(31) 'Est quidem vera lex recta ratio, naturæ congruens, diffusa in omnes, constans, sempiterna. . . . Huic legi nec abrogari fas est, neque derogari ex hac aliquid licet, neque tota abrogari potest. Nec vero aut per senatum aut per populum solvi hac lege possumus, neque est quærendus

—that it is impelled by every wind—that it is guided by the same steerage—that its boats are urged by the same oars—that there is not one ship in the Mediterranean, and another in the Atlantic—that there was not one ship in the sixteenth, another in the nineteenth century; but that there is one invariable and all-pervading ship, whose form has been predetermined by the laws of the universe. Descriptions of this sort, however, exaggerate the uniformity of the works of man, as well in government as in arts. The laws of human nature are immutable; but the operations of man vary according to circumstances. The conditions by which each problem is narrowed may serve to furnish a general type; but this type is reproduced under different forms: in its various manifestations, it is 'another and the same.' In order to represent political institutions as identical, it is necessary to confound the conditions of the problem with its solution; it is necessary to assume, that the laws of nature are identical with the products of human contrivance which are formed in subjection to those laws.(32) Politics, when properly understood, may, like other subjects whose matter is variable, receive a scientific treatment; but no benefit will arise from claiming for its theorems a universality which they do not possess, by means of a confusion which can only lead to error.

explanator aut interpres ejus alius, nec erit alia lex Romæ, alia Athenis, alia nunc, alia posthac; sed et omnes gentes et omni tempore una lex, et sempiterna et immutabilis, continebit, unusque erit communis quasi magister et imperator omnium Deus.'—*De Rep.* iii. 22; compare *De Leg.* ii. 4.

(32) 'Erat enim ratio profecta a rerum naturâ, et ad recte faciendum impellens, et a delicto avocans; quæ non tum denique incipit lex esse, cum scripta est, sed tum cum orta est. Orta autem est simul cum mente divinâ.'—Cic. *de Leg.* ii. 4. In this passage, the confusion between a political law, the creation of man—and the natural or divine laws, which are the conditions subject to which he acts, is very manifest. This confusion is still more apparent in the following passage of Montesquieu: 'Les êtres particuliers intelligents peuvent avoir des lois qu'ils ont faites; mais ils en ont aussi qu'ils n'ont pas faites. Avant qu'il y eût des êtres intelligents, ils étoient possibles; ils avoient, donc, des rapports possibles, et par consequent des lois possibles. Avant qu'il y eût des lois faites, il y avoit des rapports de justice possibles. Dire qu'il n'y a rien de juste ni d'injuste que ce qu'ordonnent ou défendent les lois positives, c'est dire qu'avant qu'on eût tracé le cercle, tous les rayons n'étoient pas égaux. Il faut, donc, avouer des rapports d'équité antérieurs à la loi positive qui les établit.'—*Esprit des Lois*, i. c. 1.

CHAPTER XIX.

ON THE ART OF POLITICS, AND THE FORMATION OF POLITICAL PRECEPTS.

§ 1 WE have, in two preceding chapters, considered the nature of political theory, and have inquired how far politics can be reduced into the form of a science.(1) We shall next approach one step nearer to practice, and treat of politics regarded as an art. For this purpose we must premise some general remarks, on the relation of art to science on the one hand, and to action on the other.

In the original acceptation of the word, the arts were merely the useful arts—those mechanical contrivances by which man operates upon external nature, and converts her powers and objects to his use. In this sense, the ancient poets say that all arts were given to mankind by Prometheus, who was considered as the universal civilizer, as the inventor of clothing, houses, ships, metallurgy, and other like appliances.(2) In the arts of this class, there is something made or manufactured; there is a certain physical or material product, which may be the subject of exchange, of sale and purchase. The artizan, in fact, creates nothing new, but he gives a new form, colour, size, or consistency to existing objects, and fashions them according to his will, by a proper employment of their natural properties; or, as in the case of agriculture or horticulture, he converts the powers of nature to his use. These are the operations of labour to which political economists have usually appropriated the name of *productive*, apparently upon the

(1) Ch. xv. and xviii.

(2) See Æsch. *Prom.* 469, 477, 506. The word τέχνη is applied to the trade of a shipwright, *Iliad* iii. 61; of a worker in metal, in *Odyss.* iii. 433; to the steering of a vessel, *ib.* v. 270. The word τέχνη is connected with τεύχω, to make, to form—and with τίκτω, to beget, to bring forth.

ground, that they result in producing something which can be separated from the producer—which can be made the subject of exchange, independently of the producer's presence.(3)

By an obvious extension of the word *art*, it was afterwards applied to the processes in which the product was purely intellectual, or in which its intellectual predominated greatly over its material character. Such are the works of sculpture and painting; of music and poetry; of grammar, logic, and rhetoric. The object of these is to amuse, delight, or instruct, not to satisfy any bodily want. Moreover, they furnish a certain product, though not in strictness a material product: a picture, a statue, a poem, an oration, are products of the skill which the practitioner of the proper art possesses.

The word *art* is further applied to processes in which there is no product, either physical or intellectual, but there is a series of connected acts, a course of conduct directed to a common end. Such are the occupations of those persons, whose industry is not of the mechanical, manufacturing, or agricultural kind. Domestic servants, retail-dealers, carriers, merchants, bankers, physicians, lawyers, civil officers of the government, sailors, soldiers, belong to this comprehensive class.

The first of these classes corresponds generally with the useful arts; the second comprehends the fine arts. The useful arts are

(3) See Mill's *Essays*, p. 75. 'Productive labour' is generally restricted to that sort of labour which makes something saleable, independently of the presence of the producer himself, such as the work of a tailor, shoemaker, spinner, weaver, smith. When the labour consists merely in rendering a certain service—in doing something which has not in itself a saleable value, the labour is generally called unproductive. Such would be the labour of a carrier, sailor, policeman, domestic servant, actor, physician, advocate. A farmer or gardener makes nothing at the moment, but he sets in motion natural influences, which lead ultimately to a saleable product. It would be most convenient to extend the term 'productive' to all sorts of labour which produce something possessed of exchangeable value—which are remunerated by a payment in the nature of wages, salary, fees, &c., determined by free competition. According to this acceptation of the word, the labour of a carrier or an actor would be productive, as well as the labour of a spinner or weaver; whereas the labour of a man working at a treadmill, or the labour of an artist or an author, who is unremunerated for his works, would be unproductive. In the case of slave-labour, the slave must be considered as the mere instrument of the master, like a horse or ox; and if the labour of the slave produces something which has an exchangeable value for the master, it is productive.

those which seek merely to make a material product for the physical wants of mankind. The fine arts are those which produce something to gratify the taste or the imagination. Those arts which are merely intellectual instruments, as arithmetic or logic, or which render a service without creating a physical product, as trade or medicine, fall under the head neither of the useful nor of the fine arts.(4) There is, however, no valid reason for restricting the idea of art to those operations, physical or mental, in which something is produced—in which there is a piece of workmanship, as a clock—or an intellectual creation, as a poem.(5) There may be an art of action, as well as of production. A course of conduct, not less than a mechani-

(4) The distinction made by the ancients into liberal and illiberal arts, (τέχναι βάναυσοι, *artes illiberales, sordidæ,*) does not correspond with the distinction into the fine and the useful arts.

The liberal arts were those arts which a freeman could exercise without dishonour. The illiberal arts were those arts which dishonoured a freeman, and which were properly exercised by slaves. The ancients considered every lucrative profession as unworthy of a citizen. All mercenary arts (not being fine arts) were illiberal. 'Trade on a small scale (says Cicero) is sordid; on a large scale, particularly if the trader gives freely to others, it is not deserving of much censure (non est admodum vituperanda). Medicine, architecture, and instruction in honourable pursuits, are fitted for freemen of inferior rank. Of all the gainful occupations, agriculture is the most worthy of a freeman.'—*De Off.* i. 42.

The arts are divided into βάναυσοι and ἐλευθέριοι; the smith's and carpenter's trades belong to the former—sculpture, painting, and medicine to the latter, according to Menander, *De Encom.* iii. 1; *Rhet. Græc.* vol. ix. p. 196, ed. Walz. Compare Aristot. *Rhet.* i. 5, § 7; i. 9, § 27. Alcibiades considered the lyre as an instrument fit for a freeman, but not the pipe: 'Plutarch, *Alcib.* 2; Gellius, xv. 17. Plutarch speaks of the royal βαναυσία of Demetrius, who amused himself with making gigantic ships and instruments of war, *Demetr.* 20.

Dionys. (*Ant. Rome,* ii. 28) says that the Romans left all trades to slaves and aliens, and restricted free citizens to agriculture and war. Compare ix. 25: 'Quæstus omnis patribus indecorus visus,' Livy, xxi. 63. See the remarks of Niebuhr, *Hist. of Rome,* vol. i. p. 587, Eng. tr. ed. 3. Pliny (*N. H.* xiv. 1) complains that the liberal arts were, in his time, abandoned by freemen, and cultivated by slaves.

(5) According to Aristot. (*Eth. Nic.* vi. 4), the essence of art is, that it makes or produces something; that it is not concerned merely with *action.* Cicero says of Zeno: 'Censet enim artis maxime proprium esse, creare et gignere.'—*De N. D.* ii. 22.

Dr. Whewell likewise seems to give a similar limitation to the idea of art: 'The object of science (he says) is knowledge; the objects of art are works. The latter is satisfied with producing its material results: to the former, the operations of matter, whether natural or artificial, are interesting only so far as they can be embraced by intelligible principles.'—*Phil. of Ind. Sci.* b. xi. c. 8, § 2.

cal trade, can be made the subject of a body of precepts, or even of routine practice.

§ 2 Now in each of the three species of arts which have been enumerated—the handicraft or mechanical arts, the esthetical or fine arts, and the ministerial or professional arts—the art itself is exercised in a rude and unsystematic manner, before any attempt is made to reduce it to a body of precepts, founded upon a scientific investigation of the proper subject-matter.(6) There were smiths before there was a scientific art of metallurgy; there were ships and seamen before there was a scientific art of navigation; there were poets and orators before there were scientific arts of poetry and rhetoric; there were medical practitioners before there was a scientific art of medicine;(7) there

(6) On the existence of empirical arts, before they receive a scientific cultivation, see Whewell, *Hist. of Ind. Sci.* vol. i. p. 333; *Phil. of Ind. Sci.* vol. ii. p. 271.

Celsus remarks that, before the existence of physicians, the healthy perceived that they sometimes became sick from excess of food, and the sick perceived that they sometimes recovered through abstinence: 'Hæc similiaque cum quotidie inciderunt, diligentes homines notasse quæ plerumque melius responderent; deinde ægrotantibus ea præcipere cœpisse. Sic medicinam ortam, subinde aliorum salute, aliorum interitu, perniciosa discernentem a salutaribus. Repertis deinde medicinæ remediis, homines de rationibus eorum disserere cœpisse; nec post rationem, medicinam esse inventam; sed post inventam medicinam, rationem esse quæsitam.'—Lib. i. præf. p. 9.

Lord Bacon has correctly rendered the sense of this passage, but he draws from it an inference unfavourable to the ancient philosophy, which does not appear to be justified: 'Idque Celsus ingenue ac prudenter fatetur; nimirum experimenta medicinæ primo inventa fuisse, ac postea homines circa ea philosophatos esse, et causas indagasse et assignasse; non ordine inverso evenisse, ut ex philosophiâ et causarum cognitione, ipsa experimenta inventa aut deprompta essent.'—*Nov. Org.* i. 73.

Quintilian argues, justly, that the name of an art is not to be denied to rhetoric, because there were orators before there were rhetorical precepts or teachers: 'Illud admonere satis est, omnia, quæ ars consummaverit, a naturâ initia duxisse. Aut tollatur medicina, quæ ex observatione salubrium atque his contrariorum reperta est, et, ut quibusdam placet, tota constat experimentis: nam et vulnus deligavit aliquis antequam hæc ars esset; et febrem quiete et abstinentiâ, non quia rationem videbat, sed quia id valetudo ipsa cœperat, mitigavit. Nec fabrica sit ars; casas enim primi illi sine arte fecerunt; nec musica: cantatur ac saltatur per omnes gentes quoque modo.' He thus shows that, in each art, the rude practice preceded the systematic method.—ii. 17, § 7-10.

(7) 'Quant à la manière dont on a pratiqué originairement la médecine, il faut distinguer, dans la recherche de l'antiquité, la médecine, considerée comme art, de la médecine qu'on peut appeler naturelle. Celle-ci a été en

were land-measurers before there was a scientific art of geometry; there were wars before there was a scientific art of strategics. An art, in this state, having grown out of the first promptings of necessity, and been contrived to meet the most obvious demands of our physical and mental nature, is principally dependent on the imitation of predecessors in the same line.(8) It is a mere blind unreasoning routine, founded on certain traditionary empirical maxims, and on the mechanical copying, by learners, of the established processes in the handicraft or profession.

An art which is in this original and instinctive state may nevertheless attain to considerable perfection, if its works are addressed mainly to the taste. Esthetic philosophy has succeeded

usage long-temps avant qu'il y eût des médecins de profession. Chacun, dans les commencements, se mêla de pratiquer la médecine. Celui qui avait fait quelque expérience sur lui-même, ou sur les autres, la communiquait à ses amis ou à ses voisins, lorsqu'ils paraissaient attaqués des mêmes accidents. Ces expériences raisonnées auront formé insensiblement une sorte de système de médecine naturelle. Les pères avaient soin d'enseigner à leurs enfants ce qu'ils pouvaient en savoir.'—Goguet, *Origine des Lois, des Arts, et des Sciences*, tom. i. p. 213. 'La chirurgie ne consistait que dans une pratique aveugle et grossière, telle que pouvait le permettre l'état d'ignorance où étaient les arts et les sciences dans ces siècles reculés. Les premiers opérateurs n'avaient pour guide qu'une simple routine, sans principes, sans connaissances, et destituée des lumières que peut seule donner une théorie savante et raisonnée.' In a note he adds : 'On peut bien comparer ces premiers chirurgiens à ces gens connus dans certaines provinces sous les nom de *renoueurs* ou *bailleurs*, qui font profession de remettre les membres démis ou rompus,' p. 217. Similar unskilled practitioners are in England called *bone-setters*. Speaking of the obstetric art, he says : 'Il y a bien de l'apparence que les femmes auront été les premières qui se seront mêlé de soulager leurs semblables dans ces moments critiques. Les mères ont dû rendre ce service à leurs filles. L'expérience les mettait en état de leur procurer du secours dans les accidents qui s'opposaient à une prompte délivrance. Les réflexions qu'on fit depuis, sur les divers accidens auxquels on reconnut que les femmes en travail se trouvaient exposées, firent sentir la nécessité de réduire en méthode une pratique dont les conséquences étaient si importantes.'—*Ib.* p. 218.

(8) 'Per varios usus artem experientia fecit,
Exemplo monstrante viam.' Manil. *Astron.* i. 61-2.

As to arts being originally suggested by the pressure of necessity, compare the well-known lines of Virgil:

'Pater ipse colendi
Haud facilem esse viam voluit, primusque *per artem*
Movit agros, curis acuens mortalia corda,
Nec torpere gravi passus sua membra veterno.'
Georg. i. 121-4.

in analyzing the conditions of poetical and artistic excellence; but it has not been able to lay down precepts which teach a modern poet or sculptor how to surpass, or even to equal, the unsystematic productions of Homer, Æschylus, or Phidias. On the other hand, the useful arts, which deal with the powers of external nature, can never reach a high state of perfection, and in many cases cannot even emerge from a rude and feeble process of handicraft, until their methods have been investigated by the theorist, and a body of systematic rules been formed upon a scientific basis. Without the aid of science, the arts of metallurgy, engineering, navigation, mining, or medicine, could never have made much progress, and certainly could never have received the extension which, under the influence of scientific methods, they have actually reached. It has been said, that wherever there is a process which one person can execute more successfully than another, there a scientific art may exist.(9) The truth of this dictum cannot be disputed; but there are some subjects in which a scientific art renders greater practical assistance than in others; and in which success is less dependent on maxims derived from analytic reasoning. The comparative utility of preceptive arts, in different departments of production and action, is, however, a subject of too great extent to be here examined.

Every art, therefore, considered as a set of practical operations directed to a given end, is prior to the corresponding science.(10) But an art, considered as a coherent system of

(9) 'All men,' says Aristotle, 'are practically, up to a certain point, logicians and rhetoricians; and as some succeed by chance, and others through habit, it is possible to investigate the cause of their success, *which is now universally admitted* (he adds) *to be the business of a scientific art.*'—*Rhet.* i. 1, § 1, 2.

'Sed nec illa omittenda sunt, quâ in re alius se inartificialiter, alius artificialiter gerat, in eâ esse artem: et in eo, quod qui didicerit, melius faciat, quam qui non didicerit, esse artem.'—Quintil. ii. 17, § 42.

(10) It is to this acceptation of the word art that the following remarks of Dr. Whewell are applicable: 'The real state of the case is, that the principles which art involves, science alone evolves. The truths on which the success of art depends lurk, in the artist's mind, in an undeveloped state, guiding his hand, stimulating his invention, balancing his judgment,

written precepts, and not as a set of practical examples, is necessarily posterior to the corresponding science.(11) A technical method, or body of precepts, cannot be formed without the previous existence of a theory or science, more or less sound and

but not appearing in the form of enunciated propositions.'—*Ib.* b. xi. c. 8, § 6.

Sir Joshua Reynolds, in his 8th note to Mason's translation of Dufresnoy's *Poem on the Art of Painting*, who (v. 78) speaks of purblind practice, says: 'Practice is justly called *purblind;* for practice that is tolerable in its way is not totally blind; an imperceptible theory, which grows out of, accompanies, and directs it, is never wholly wanting to a sedulous practice; but this goes but a little way with the painter himself, and *is utterly inexplicable to others.* To become a great proficient, an artist ought to see clearly enough to enable him to point out to others the principle on which he works; otherwise he will be confined, and, what is worse, he will be uncertain.' But when the grounds of a practice cannot be explained by the practitioner, can it be said that he is in possession of any theory of his art? Uniformity of practice merely proves that there *is* a theory of the art—not that it is *known* to those who empirically practise it.

Technical terms—*termes d'art*—are equivalent to scientific terms. In general, they are borrowed by science from the antecedent art, as it exists in a rude, unsystematic state. Hence we may see that the art, in one sense of the word, is prior to the science.—See above, vol. i. p. 77, n. 1.

(11) It is in this latter sense that the word art is understood by Plato and Aristotle, and by the ancient philosophers generally. Plato opposes τέχνη to τριβή or ἐμπειρία; he makes ἀτέχνως equivalent to ἀλόγως—that is to say, he restricts the idea of art to scientific art—to a practice guided by precepts which have their proper rationale and theory; and he opposes art to a mere knack, or empirical routine.—*Phædrus*, c. 95; *Gorgias*, c. 121; and compare Grote, *Hist. of Gr.* vol. viii. p. 601, where the Platonic doctrines on this subject are fully illustrated. The same view is taken by Aristotle, and expounded with great precision in the first chapter of his *Metaphysics*. He distinguishes between mere experience (or blind practical skill) and art. Experience is of singulars; whereas art is general. A man of mere experience or routine does not know the reason of his operations—the man of art does. So, in *Poet.* c. i., he distinguishes imitation, which is the result of mere habit, from that which is the result of art.

In the following passage, Cicero, by *art,* understands a scientific method of practice, formed upon a knowledge of the empirical art: 'Nihil est quod ad artem redigi possit, nisi ille prius, qui illa tenet, quorum artem instituere vult, habeat illam scientiam, ut ex iis rebus quarum ars nondum sit artem efficere possit.'—*De Orat.* i. 41: and compare the development of this dictum in the next chapter.

The two definitions of art in Quintilian, ii. 17, § 41—the former that of Cleanthes, the latter the received definition—likewise assume that an art is a systematic body of rules: 'Ars est potestas viâ, id est, ordine efficiens' [which may be thus re-translated, ἔστιν ἡ τέχνη δύναμις μεθόδῳ ἐνεργοῦσα]. 'Ars constat ex præceptionibus consentientibus et coexercitatis ad finem vitæ utilem.' Speaking of rhetoric, Quintilian says: 'Quidam eam neque vim, neque scientiam, neque artem putaverunt; sed Critolaus usum dicendi, 'nam hoc τριβή significat.' '—ii. 15, § 23. Here, again, *art* is used in the sense of a scientific art.

Science, art, and empiricism, are defined by Sopater, *On Hermogenes*, ap. *Rhet. Gr.* vol. v. p. 3-5, ed. Walz, as follows:—

complete, to serve as its support. There cannot be a body of rules without a rationale, and this rationale constitutes the science. There were poets before there were rules of poetical composition; but before Aristotle, or Horace, or Boileau, or Pope, could write their arts of poetry and criticism, they had considered the reasons on which their precepts rested—they had conceived in their own minds a theory of the art. In like manner, there were navigators before there was an art of navigation; but before the art of navigation could teach the methods of finding the ship's place by observations of the heavenly bodies, the science of astronomy must have explained the system of the world.

Whenever, therefore, there is any process of operations,—whether mechanical or intellectual, whether useful, or merely agreeable to the taste, whether of production or of action,—directed to a common end, it passes through three stages:—1, of blind empirical practice; 2, of scientific analysis; 3, of a matured art, or system of technical precepts.

All genuine science has ultimately its utility in practice, not less than art; but it has no immediate view to practice,(12) and it may be cultivated by persons devoid of practical experience in the subject. The science of war, of rhetoric, of poetry, of jurisprudence, may be advanced by persons who belong to no military profession—who are not orators, or poets, or practising lawyers. Science undertakes only to explore and contemplate facts. Theory is a view, a survey of phenomena. Science lays down no precepts; it establishes no rules or maxims of conduct;

Science consists in an infallible and unchanging knowledge of phenomena.

Art is a system formed from observation, and directed to a useful end.

Empiricism is an unreasoning and instinctive imitation of previous practice.

Art is of three kinds—theoretic, practical, and mixed.—p. 5.

No art, however, is purely theoretic or contemplative. The examples given are of science, not art. It is a part of grammatical science to say that all words with a certain termination have a certain accent. When this is converted into a rule, it becomes a part of an art.

(12) *ὀρθῶς δ᾽ἔχει καὶ τὸ καλεῖσθαι τὴν φιλοσοφίαν ἐπιστήμην τῆς ἀληθείας. Θεωρητικῆς μὲν γὰρ τέλος ἀληθεία, πρακτικῆς δ᾽ἔργον.*—Aristot. *Met.* i. min. c. 1.

it does not legislate. It expounds truths, but gives no advice. The theorist casts his eye over the world and its inmates, and records the results of his observations, but he constructs nothing, and enjoins nothing.(13)

Art, unlike science, deals in precepts—its essence is to advise; but, like science, it is general. It is not conversant with particulars, or with any actual case of practice. It is founded on a scientific investigation of the subject-matter, and its rules are formed from the general expressions of the phenomena with which the practitioner will come in contact.(14) It undertakes to teach how a person ought to act in a supposed set of circumstances. These circumstances can only be defined by a general description: they represent a class of cases; and it is intended that, when the time for action arrives, the precept should be applied to each case belonging to the class. This application the practitioner must make for himself: the art only supplies him with a general precept.(15) But the art supplies a precept, whereas the corresponding science only supplies a general theorem. Art teaches how to make something, or how to act, whereas science only expounds the relations of existing phenomena. From this explanation, we may see why art and nature should be opposed, and why science and nature should not be opposed. Science is a knowledge of phenomena, but a mere knowledge,

(13) On the respective characteristics of science and art, see Whewell, *Philos. of the Ind. Sciences*, b. xi. c. 8; Mill's *Syst. of Logic*, b. vi. c. 11; *Essays*, p. 124, 151; also Comte, *Traité de Législation*, liv. i. c. 14, tom. i. p. 269; Zachariä, *Vom Staate*, vol. i. p. 169.

(14) The generality of art is indicated by Aristotle, in the definition at the beginning of his *Metaphysics*: γίγνεται δὲ τέχνη, ὅταν ἐκ πολλῶν τῆς ἐμπειρίας ἐννοημάτων μία καθόλου γένηται περὶ τῶν ὁμοίων ὑπόληψις. Again: αἴτιον δ'ὅτι ἡ μὲν ἐμπειρία τῶν καθέκαστόν ἐστι γνῶσις, ἡ δὲ τέχνη τῶν καθόλου.

(15) The difference between the general precepts of an art, and their application to an actual case of practice, is described in the following passage: 'Quædam non nisi a præsente monstrantur. Non potest medicus per epistolas cibi aut balnei tempus eligere: vena tangenda est. Vetus proverbium est: Gladiatorem in arenâ capere consilium. Aliquid adversarii vultus, aliquid manus mota, aliquid ipsa inclinatio corporis, intuentem monet. Quid fieri soleat, quid oporteat, in universum et mandari potest et scribi: tale consilium non tantum absentibus, sed etiam posteris datur. Illud alterum, quando fieri debeat, aut quemadmodum, ex longinquo nemo suadebit: cum rebus ipsis deliberandum est.'—Seneca, *Epist.* xxii. § 1, 2.

whereas art, when in action, is an operation upon nature. The one is contemplative, the other practical. Hence, as art disturbs the natural course of the phenomena,(16) as it produces changes and effects which would not be produced if man did not interfere, art is opposed to nature. It may be added that art, whether it be in the rude and unsystematic, or in the scientific and refined stage, is equally an innovation upon nature. That primitive medicine, which Goguet has called natural,(17) is not less artificial, though it is less skilful, than the medicine of our own times, derived from a long course of scientific observation and reasoning. In like manner, natural magic (as it has been called), though it does not profess to be derived from any supernatural power, consists of a series of artificial contrivances.

§ 3 The useful arts produce something original—something of which there is no archetype in nature. They invent, construct, or create: they do not imitate. Their works are all manifestly artificial; and in these, the appearance of art and contrivance is gratifying. But in the productions of the fine arts, and in some other subjects, which admit of being guided by a set of technical maxims, the appearance of art is displeasing; and the perfection of art consists in its concealment.(18)

(16) Τέχνῃ κρατοῦμεν ὧν φύσει νικώμεθα.

Antiphon, ap. Aristot. *Mech.* i.

Compare Lord Bacon's characteristic of nature and art, in his *Descriptio Globi Intellectualis:* 'Aut enim libera est natura, ac sponte fusa, atque cursu consueto se explicans, cum scilicet ipsa natura per se nititur, nullatenus impedita aut subacta, ut in cœlis, animalibus, plantis, et universo naturæ apparatu aut denique ab arte et ministerio humano constringitur, et fingitur, et plane transfertur, et tanquam novatur, ut in artificialibus. Etenim in artificialibus natura tanquam facta videtur, et conspicitur prorsus nova corporum facies et veluti rerum universitas altera.' —vol. xi. p. 4.

(17) See above, p. 144, note 7.

(18) Speaking of delivery, in public speaking, Quintilian says: 'Si qua in his ars est dicentium, ea prima est, ne ars esse videatur.'—i. 11, 3. 'Desinit ars esse, si apparet.'—*Ib.* iv. 2, § 127. 'Ubicunque ars ostentatur, veritas abesse videtur.'—ix. 4. 102. On the concealment of art, see Longinus, c. 17. Inasmuch as art often imitates something real, it is connected with the idea of *deceit:*

οὐδ' ὁ γέρων δολίης ἐπελήθετο τέχνης.—*Odyss.* iv. 455.

'Ille dolis instructus et arte Pelasgâ.'—Virg. *Æn.* ii. 152.

The words *artful* and *artfulness* likewise have the same origin.

On the other hand, the useful arts have been taxed with deceit, and

Wherever any process can be done naturally, and the natural but imperfect efforts made for its performance admit of being improved by art, the simulation of unaided nature by the artist is pleasing to the taste.(19) For a like reason, the use of technical terms, where words in popular currency might be employed, is received with disfavour.(20)

§ 4 Having made these preliminary remarks, we will proceed to apply them to the more immediate subject of the present chapter.

In the first place, then, we may assume that the idea of art is not to be restricted to those subjects in which there is a material or intellectual product—in which something is manufactured or composed. It is no longer disputed whether there can be an art of painting, of logic, or of rhetoric:(21) according to Longinus, there is an art of sublimity:(22) it is admitted that there is a histrionic art,(23) an art of medicine, a military art,

for this reason have been considered immoral. *Dyeing*, in particular, has fallen under this condemnation, on the ground that it involved the assumption of *false colours*. See a supposed saying of an Ethiopian king, in Herod. iii. 22, and the Spartan doctrine in Müller's *Dorians*, iv. 2, § 5. Thus, too, Virgil:

'Nec varios discet *mentiri* lana colores.'—*Ecl.* iv. 42.

Clemens of Alexandria condemns the use of dyes, as being contrary both to utility and truth.—*Pædag*. ii. 10. He also treats the use of false hair as impious.—iii. 11. See Barbeyrac, *Traité de la Morale des Pères*, p. 51-52; Gibbon, c. 15. Fanciful analogies, such as that just mentioned, now rank with riddles, jests, &c., and do not seriously impose on the understanding of any grown-up person. But many of the arguments which have been used by political speculators, to prove the superiority of a state of nature over a state of government and civilization, will be found, when closely examined, to rest on no better foundation.—See above, ch. xv. § 3.

(19) 'In using new words, you must conceal your contrivance, and appear to speak, not artificially, but naturally; for the latter is persuasive, but not the former. Men revolt against apparent design, as if a fraud was contrived against them.'—Aristot. *Rhet*. iii. 2, § 4.

(20) See above, ch. iv. § 2.

(21) On the application of the word *art* to rhetoric, see Ernesti, *Lex. Techn. Gr.* in τέχνη, and *Lex. Techn. Lat.* in 'Ars;' also, Spengel's *Artium Scriptores*. The question whether rhetoric is an art, is discussed in Cic. *de Orat.* i. 20; *Brut.* 6; Quintilian, ii. 17; Sext. Empiric. *adv. Math.* ii. 16. Those who disputed the title of the Aristotelian logic to the appellation of an art, did not mean to deny the existence of an art of logic. Not merely the entire system of rules for poetical or literary composition, but even one of those rules, may be called an art: thus, in the couplet of Pope:

'E'en copious Dryden wanted, or forgot,
That first and greatest art, the art to blot.'

(22) C. 2.

(23) Actors were called by the Greeks τεχνῖται τοῦ Διονύσου.

and an art of navigation; and it will hardly be denied that there may be an art of education, and a body of rules for the conduct of life and the regulation of behaviour.(24) Assuming that the word art is received in this extended sense, we may observe that an art of politics, considered as a system of practice, has existed in each country from the moment that a political government began to exist. There was a set of operations, conducted according to certain empirical maxims, and founded on the repetition of previous acts, on the imitation of the previous practice, which constituted an art, in the same sense that there was an art of war and of navigation in the time of Homer, and an art of medicine before Hippocrates. An art of politics, however, in the other sense of the word, has only begun to exist since there has been a philosophy of politics—since speculators have begun to consider the ground of the current and established maxims of practice.

§ 5 There must be a science before there can be a scientific art: hence, there may be a science without a systematic art, but not the converse. In fact, however, the purely scientific treatment of any subject, without an attempt to lay down precepts or rules of practice, is in general one of the latest stages in the journey of knowledge. The earliest efforts of speculation are usually semi-practical and semi-philosophical. They examine the grounds of certain received maxims, and end by discarding some—modifying, qualifying, restricting or enlarging others, and adding a few of their own. Such treatises are arts, with their scientific basis—rules of conduct, with their rationale annexed. The scientific part has never had an independent existence: it has first appeared as the support of a system of precepts; but it has not less the character of science, and would, if detached from the preceptive or monitory matter, consist merely of theorems, in which the relations of phenomena are described.

(24) It was in this sense of the word that Ovid wrote his books on the *Art of Love*—'Artis Amatoriæ:'

'Si quis in hoc artem populo non novit amandi,
Me legat, et lecto carmine doctus amet.
Arte citæ veloque rates remoque moventur,
Arte leves currus, arte regendus amor.'—i. 1-4.

All the early, and most of the later, treatises on politics have the hybrid character which has been just described.(25) From the *Republic* of Plato and the *Politics* of Aristotle, down to the political works of Machiavel and Montesquieu, political art and science have been combined, and the science has been subordinate to the art. Scientific propositions have been introduced mainly for the purpose of justifying maxims of policy, and of serving as supports for the construction of ideal laws or institutions. The writings of political economists have generally been composed on the same principle: they have investigated the social laws which regulate the production and distribution of wealth, but they have at the same time laid down the precepts which ought to guide a government in legislation on these subjects. Adam Smith's work affords a remarkable instance of this union of political science and art in the same treatise.(26)

This method of treatment has been by no means peculiar to politics, and, indeed, may be considered as the ordinary course through which the arts have risen to a scientific level. It was in this manner that the arts of rhetoric and logic were invested with the scientific character; the art of medicine and the military art were likewise associated with a scientific introduction, and the establishment of practical maxims served as the inducement for the cultivation of the respective theories. Nor can it be laid down universally, that science ought to be cultivated by itself, and ought always to be separated from precepts. Two of the greatest works of the human intellect, the *Rhetoric* of Aristotle, and Adam Smith's *Wealth of Nations*, though very unlike in

(25) See above, ch. iii. § 6. Longinus lays it down that every treatise on a scientific art consists of two parts: 1, to explain the subject-matter of the art; 2, to show by what methods it can be acquired: of these, the latter is the most important.—*De Sublim*, c. 1. The first of these departments lies properly within the scientific department of the subject: the second is what constitutes the art proper.

(26) 'Had our object been merely to consider commerce as a science, or to investigate its principles, we should not have adopted the form of a dictionary. But commerce is not a science only, but also an art, of vast practical importance, in the prosecution of which a very large proportion of the population of every civilised country is actively engaged. Hence, to be generally useful, a work on commerce should combine practice, theory, and history.'—M'Culloch, preface to *Commercial Dictionary*.

other respects, are written upon this plan. When a science is in an imperfect state, the author of an art is compelled to introduce scientific discussion. He must either renounce all preceptive treatment of the subject, or, where the substratum of his precepts is incomplete, he must supply it by his own researches.

An art can rarely be established on scientific principles without some scientific investigation; it rarely happens, as in the case of arithmetic or navigation, or geodesy, that *all* the scientific data are so fully given, and so firmly established, as to leave nothing to the author of a practical manual but to lay down rules. On the other hand, science is in general promoted by its independent cultivation. If truth is the object in view, this will be best attained by purely scientific inquiries, irrespective of all maxims and all practical application:(27) if immediate practical utility is the object in view, this will be best attained by laying

(27) On the cultivation of science for its own sake, merely for the determination of truth, and without any immediate practical object, see the precepts of Bacon, cited above (vol. i. p. 155, note 7). The following observations of M. Comte likewise develop the same thought: 'Les domaines rationnels de la science et de l'art sont, en général, parfaitement distincts, quoique philosophiquement liés: à l'une il appartient de connaître, et par suite de prévoir; à l'autre, de pouvoir, et par suite d'agir. Si, dans sa positivité naissante, chaque science dérive d'un art, il est tout aussi certain qu'elle ne peut prendre la constitution spéculative qui convient à sa nature, et qu'elle ne saurait comporter un développement ferme et rapide, que lorsque elle est enfin directement conçue et librement cultivée, abstraction faite de toute idée d'art. Cette irrécusable nécessité se vérifie aisément à l'égard de chacune des sciences fondamentales dont le caractère propre est déjà nettement prononcé. Le grand Archimède en avait, sans doute, un bien profond sentiment, lorsque, dans sa naïve sublimité, il s'excusait envers la postérité d'avoir momentanément appliqué son génie à des inventions pratiques. Toutefois, à l'égard des sciences mathématiques, et même de l'astronomie, cette vérification, quoique très réelle, est peu sensible aujourd'hui, vu l'époque trop reculée de leur formation. Mais, quant à la physique, et surtout à la chimie, à la naissance scientifique desquelles nous avons, pour ainsi dire, assisté, chacun sent à la fois et combien leur relation aux arts a été essentielle à leurs premiers pas, et combien ensuite leur entière séparation d'avec eux a contribué à la rapidité de leurs progrès. C'est aux travaux d'art que sont dus évidemment, par exemple, les séries primitives de faits chimiques: mais l'immense développement de la chimie depuis un demi-siècle doit être certainement attribué, en grande partie, au caractère purement spéculatif qu'a pris enfin cette étude, devenue dès lors pleinement indépendante de la culture d'un art quelconque.'—*Cours de Phil. Pos.* tom. iii. p. 280.

'Ceux qui réjeteraient comme absurde la pensée de confier aux navigateurs la culture de l'astronomie, finiront probablement par trouver étrange l'usage d'abandonner, d'une manière analogue, les études biolo-

down rules founded on well-ascertained scientific theorems. It is, moreover, of great importance, that he who treats an abstract political subject should form, in his own mind, a distinct conception of the method according to which he treats it. He should know whether he handles it on the principles of a science, or of an art; and if the latter, he should never forget that the scientific portions are only subsidiary to his main end, and introduced incidentally. It may be doubted whether all political speculators had settled this question clearly in their minds before they composed their works; and whether, if questioned on the point, they could have said that their main object was either to lay down political precepts, or to establish the laws of political phenomena.

We have already remarked that art, like science, is general, and that it does not contemplate any given and individual case. A person who writes a book, advising the practical adoption of a certain political measure, makes no contribution to the art of politics. Art and practical deliberation have different ends: art stands midway between science and practice. It dispenses practical maxims, but takes no cognizance of actual cases. Hence, the antithesis of science and art is different from the antithesis of theory and practice. We shall have occasion to examine the latter antithesis in a future chapter:(28) here we will only remark, that a practical man may be ignorant of the scientific art as well as of the science, and that a man may treat an art in a scientific method as well as a science, without any practical experience of the subject.

§ 6 The art of politics consists of precepts, founded on a scientific investigation, or at least arranged in a systematic form. These precepts are general in their expression; they refer to no definite actual case, but they profess to admonish; they lay down a rule or guide for action under certain supposed circum-

giques aux loisirs des médecins; car l'un n'est pas, en soi, plus rationnel que l'autre.'—*Ib.* p. 285.

On the question whether science can be properly said to *foresee* or *predict*, more will be said below, ch. xxiv.

(28) Below, ch. xx.

stances. Now the theoretical principles of political speculators (as we have already observed) do not, as such, point to any practical result. They do not profess to convey any lesson, or to lay down any rule of conduct; whatever instruction is contained in them must be elicited by an ulterior process of reasoning. Thus, the principle of population, as laid down by Malthus and other political economists—the law of the increase of mankind—is not a precept or rule of action; it recommends no political institution or measure, though it may lead to practical maxims, which may guide the discretion of the statesman in some of the most important departments of legislation. In the proper management of this ulterior process—in converting general political truths into useful political maxims—the art of politics consists.

Political science does not necessarily occupy itself with the consideration of human happiness: it does not professedly inquire what are the circumstances which promote the welfare of a nation. It analyzes the fabric of civil society, describes its organization, and traces the effects of the influences to which it is subject. Having laid down certain general theorems of fact, having ascertained certain truths respecting the political relations of mankind, it leaves them to be used as materials for framing practical maxims of conduct, according to some assumed end or standard. In this respect, the political resembles the physical philosopher. An astronomer determines the motion of the heavenly bodies—a chemist determines the composition of matter, but both are occupied with natural laws, without considering the practical purposes to which these laws may be converted.

§ 7 Inasmuch as an art seeks to furnish a guide to action, the first step towards the construction of an art is to determine the end to which action is to be directed. Assuming this to be determined, the principles of the proper science will furnish the means by which the end is to be attained, or the tests by which the fitness of means for the attainment of the end must be tried. Thus, if it be admitted that the happiness of the community is the end of political government, it follows, that all institutions

which tend to produce that result are to be preferred to institutions of an opposite tendency.

Wherever the means in question clearly tend to the principal end of government, the conversion of a scientific theorem into a practical rule or maxim of policy may be effected by a simple and direct process. Frequently, however, the scientific researches relate to subordinate ends: for example, the tendency of certain causes to promote the wealth, the knowledge, the industry, the independence of the people. Now, although an universal agreement may exist as to the principal end of government, there may be differences of opinion as to these subordinate ends; and it may, on this account, be difficult to frame political maxims from the theorems relating to these subjects.

Again: it is to be borne in mind that, although it may be a political axiom that institutions which tend to produce the welfare of the people are to be preferred to those of an opposite tendency, the art of politics does not, therefore, necessarily lay it down, that wherever a worse can be replaced by a better institution, that change should instantly be made. Before such a precept can be delivered, a large class of considerations intervenes, arising from the influence of habit, and other principles affecting the operation of existing laws, to which we shall advert in the next chapter.

§ 8 The maxims of political art, when they are derived from scientific principles, and arranged in a systematic order, are usually delivered in a doctrinal form. They bear on their face to be precepts, not truths. They profess to guide our conduct, not merely to obtain an intellectual assent. There are, however, isolated apophthegms relating to politics, some current in the form of proverbs, others occurring as casual dicta in the works of historians, of which the form is more ambiguous. Many of these appear to be intended to serve as precepts, though couched in the form of mere observations. Thus, the proverb 'Festina lente,' recommending deliberation before action, is in the form of a maxim or precept, while the proverb, 'The more haste, the worse speed,' or Lord Bacon's apophthegm, 'Fortuna

multa festinanti vendit, quibus morantem donat,'(29)—though a mere expression of fact, is intended to convey the same lesson. Sometimes a general dictum, though in form merely expressive of fact, yet is equivalent to a maxim, as when it is said that such a course is wise, foolish, safe, dangerous, &c.: thus, the Greek hexameter, which declares that a man is a fool who, having killed the father, spares the children,(30) evidently recommends a certain policy with regard to the extinction of families. The same may be said of such sentences as the following:

'Malum est consilium, quod mutari non potest.'(31)

'Inimicum quamvis humilem docti est metuere.'

'Optimum est sequi majores, recte si præcesserint.'

'Res bona est extirpare sceleratos, non scelera.'(32)

'Imperitiæ signum est, quod difficillimum est, exigere cito fieri.(33)

'He who is his own lawyer has a fool for a client.'

'Better late than never.'

'Mal delibera chi troppo teme.'

'Seditio civium hostium est occasio.'(34)

'Non fu mai giudicato partito savio mettere a pericolo tutta la fortuna tua, e non tutte le forze.'(35)

'The successful use of fraud in war is laudable.'(36)

(29) *De Augm.* lib. vi. vol. viii. p. 376.

(30) νήπιος ὃς πατέρα κτείνας παῖδας καταλείποι, ap. Aristot. *Rhet.* ii. 21, § 11 (with the note of Victorius). The verse is attributed to Stasinus, the old cyclic poet. After the defeat and slaughter of Vitellius, Mucianus orders his son to be put to death, 'mansuram discordiam ostendens, nisi semina belli restinxisset.'—Tac. *Hist.* iv. 80.

(31) Publius Syrus, v. 398. This verse has been thus modernised in Italian and French: 'Tristo quel consiglio che non ha sconsiglio'—'Méchant est le conseil qui n'a son déconseil.' See Gruteri, *Florilegium Ethico-politicum*, vols. i. and ii.

(32) Publ. Syrus, v. 315, 847, 857. With the first of these verses the French proverb corresponds, which is not in the form of a maxim: 'Il peut bien peu qui ne peut nuire,' Gruter. *ib.* vol. ii.

(33) Ap. Orell. *ad Publ. Syr.* p. 74.

(34) Publ. Syr. v. 710.

(35) Mach. *Disc.* i. 23.

(36) *Ib.* iii. 40: 'Dolus an virtus, quis in hoste requiret.'

'Res est supra opinionem politica, facile transire a joco ad serium, a serio ad jocum.'(37)

'Principis est virtus maxima, nosse suos.'(38)

These are meant to be taken as precepts, not less than dicta which professedly inculcate a lesson, as—

'Qui desiderat pacem, præparet bellum.'(39)

'Vogli bene a molti, consigliati con pochi.'(40)

γνῶθι σεαυτόν.

'Strike while the iron is hot.'

'Loquendum ut vulgus, sentiendum ut sapientes.'(41)

'Divide et impera.'(42)

'Laissez faire et laissez passer.'(43)

'Avoid three things—hatred, envy, and contempt.'(44)

§ 9 Political maxims may be distributed into two classes—those which prescribe a line of conduct in certain contingencies, and those which teach how certain institutions are to be constructed. The distinction cannot always be precisely drawn, but the following examples will serve to indicate its character.

The former class of maxims may be illustrated by such precepts as those given by Machiavel in various parts of his *Principe* and his *Discorsi*—as where he teaches how new provinces, acquired either by princes or republics, are to be governed—in what cases the existing institutions are to be preserved, and in what cases they are to be destroyed;(45) how far princes

(37) Bacon, *De Augm.* vi. vol. viii. p. 372.

(38) Martial, viii. 15.

(39) Vegetius, *De Re Mil.* iii. prol.

(40) Gruter. vol. iii.

(41) Cited by Lord Bacon, *De Augm.* l. v. c. 4. Compare the Italian proverb, 'Parla co' più e sappi co' manchi.'—Gruter. *ib.* vol. ii. (*qu.* pochi?)

(42) Upon this maxim, see Machiavel, *Discorsi*, iii. c. 27.

(43) The maxim of Gournay: see Turgot, *Eloge de Gournay*, with the preface of Dupont de Nemours. The idea was borrowed from the answer of M. Legendre to Colbert, 'Laissez-nous faire.' See *Œuvres* de Turgot (Paris, 1844), tom. i. p. 259-88; Stewart's *Memoir of Adam Smith*, p. 142, note.

(44) 'Tria deinde ex præceptione vetere præstanda sunt ut vitentur, odium, invidia, contemptus.'—Sen. *Epist.* xiv. 9. See Mach. *Princ.* c. 19.

(45) *Principe*, c. 5, 6; *Disc.* i. 25, 26.

ought to use cruelty or clemency; in what manner they ought to keep faith; how they ought to avoid being despised and hated; how they should conduct themselves in order to obtain reputation; how they ought to avoid flatterers.(46) These are all general maxims, which, whether good or bad, profess to guide the rulers of states in certain postures and contingencies of public affairs. The 'regulæ bellorum generales,' in the treatise of Vegetius,(47) though many of them are not in a preceptive form, are intended to serve as practical maxims: for instance, the apophthegm, that 'he who does not prepare corn and the necessary supplies for an army is conquered without a battle,'(48) has the force of a maxim prescribing these preparatory measures.

Many other maxims of public policy, such as those relating to defence of the country, to war and peace, to large and small territory, to dependencies and colonies, &c., might be mentioned which are of a similar character, but the instances which have been adduced appear to suffice for illustration.

The other class of maxims consists of the rules which have been laid down by politicians for the formation and construction of certain laws or institutions—practical guides for executing the work of a government—similar to the rules laid down for the practical engineer or builder. If, for example, a government is called on to establish or regulate a system of prison-discipline, or an inland post, or a system of roads and bridges, it would have recourse to such maxims as it could find in existence with respect to each of these subjects. The four maxims of taxation laid down by Adam Smith, 'the evident justice and utility of which (he says) have recommended them more or less to the attention of all nations,' may serve to exemplify such canons of practical legislation.

(46) *Principe*, c. 17, 18, 19, 21, 23.

(47) *De Re Mil.* iii. c. 26,

(48) 'Qui frumentum necessariumque commeatum non præparat, vincitur sine ferro.'

'1. The subjects of every state ought to contribute towards the support of the government, as nearly as possible, in proportion to their respective abilities.

'2. The tax which each individual is bound to pay ought to be certain and not arbitrary.

'3. Every tax ought to be levied at the time or in the manner in which it is most likely to be convenient for the contributor to pay it.

'4. Every tax ought to be so contrived as both to take out and keep out of the pockets of the people as little as possible, over and above what it brings into the public treasury of the state.'(49)

§ 10 All political maxims, it will be observed, are general in their effect, not less than theoretical truths. But the lesson which such a maxim inculcates may either be universal—it may extend to all places and times—or it may, like the theories examined in a previous chapter,(50) be limited to certain nations, or to a single nation.(51) Maxims of the latter kind, like the theories upon which they must be founded, are most available in practice as requiring less adaptation, and agreeing more closely with the circumstances of the case, than maxims of universal import.

§ 11 Political art may further convey its lessons by means of models. Instead of teaching by preceptive maxims, it may propose certain pattern governments, or laws, or institutions, for imitation. These models may be either real or ideal; that is to say, they may either have an actual existence, or they may be described from the imagination. In either case, there are certain conditions to which the imitation of a political model is subject, and which the art of politics undertakes to lay down. Thus the

(49) *Wealth of Nations*, b. v. c. 2, part ii. Compare M'Culloch's *Treatise on Taxation*, p. 17-41; Mill's *Principles of Pol. Economy*, b. v. c. 2.

(50) Above, ch. xvi.

(51) Such is the maxim of Florentine government mentioned by Machiavel: 'Bisogna tener Pistoja con le parti, e Pisa con le fortezze.'—*Disc.* iii. c. 27. Also the maxim of Venetian government: 'Pane in piazza, giustizia in palazzo.'

art of drawing may teach either by precepts or by real models, that is, living subjects, or by ideal models conceived by the sculptor or painter.

What has been said in this chapter will suffice to explain the nature of political precepts or maxims, and the relation which they bear to scientific theorems. In the following chapter, we shall investigate the application of maxims in actual practice, and shall afterwards proceed to the consideration of real and ideal models.

Chapter XX.

ON THE APPLICATION OF POLITICAL THEORIES AND MAXIMS IN PRACTICE.

§ 1 AS we have already seen, political theory, containing the condensed results of a wide experience, and formed by proper deductive processes from an induction of facts, merely expresses general truths. It lays down propositions respecting matter of fact, past or present; but it prescribes or enjoins nothing. In order to give to theory a monitory effect, in order to transmute a general truth into a rule of action, the theorems of science must be converted into the precepts of an art.

Now, in the case of politics, this conversion has not been systematically made. The science and art have in general been combined in the same treatise; and rules of action are often conveyed rather by implication than in a distinctly preceptive form. Moreover, many political inquiries have been limited to the determination of general facts, and the results have never been examined with a view of casting them into the form of maxims. Hence, in considering the application of maxims to practice, we shall be unable to confine ourselves strictly to rules reduced into a monitory form; we must include all general propositions intended to have a didactic or doctrinal use; and we must assume that the reduction of the theorem into a maxim is sometimes made by the practitioner himself, at the time when he is called upon to deliberate and act.

We have remarked in the previous chapter,(1) that the antithesis of theory and practice is not identical with the antithesis of science and art. Theory and science may, indeed, be considered as identical: but there is a wide difference between art and practice. By an art, we now understand a system of rules

(1) § 5, p. 155.

of conduct founded on scientific principles : by practice we mean the actual cases and occurrences to which the rules of the art are intended to be applied. Art is intermediate between science and practice; but both science and art are conversant about generals, whereas practice is made up of singulars. On the other hand, science takes no note of practice; whereas art thinks only of the practical application of its rules.

When, therefore, we speak of the application of theory to practice, we must not overlook the fact that there is a stage between the two, which, though it may not receive much attention, is a necessary part of the process. Before theory can be applied to a practical case, the theoretical truth must be converted into a general maxim. Whether the practical politician finds the maxim ready made to his hand, or is compelled to perform the conversion for himself, the change of form must be effected before the practical conclusion can be drawn. It is important to bear in mind this intermediate stage, for it will probably be found that much of the censure which is cast upon political theorists, and much of the distrust with which the practical application of political theories is regarded, is owing, not to any defect in the theory itself, but to the defective manner in which general maxims have been derived from the theory, either by speculative writers in their closet, or by men of action in the hurry and excitement of business. With respect to the practical result, it is indifferent whether the error is produced by a false theory or by an unsound maxim deduced from a true theory. Practical error is equally the result in the individual case. But for the amendment of our practice in future, it is very material to detect the true cause of the error; and hence it concerns us to know whether the defect is in the theory, or in the rule of conduct constructed from the theory; whether it is in the science or the art. For example, if any rule in the art of navigation for determining the ship's place at sea by an observation of one of the heavenly bodies, were to prove erroneous, it would be important to ascertain whether the error arose from some defect in the astronomical theory upon which the rule was

founded, or whether the astronomical law was correctly laid down, but the process founded on it was defective.

§ 2 Whenever, therefore, any case arises in which the politician seeks to guide himself by a general proposition, he must first consider whether there is any maxim ready for his use; if not, he must perform for himself the preliminary process of converting the theory into a preceptive form. This latter process, on account of the irregular cultivation of the art of politics, he will, in a large number of instances, be compelled to perform himself.

As soon as he is in possession of the maxim, however obtained, which he considers suited to his case, he will have constructed a syllogism: the major premise of which is the general maxim, and the minor premise is the particular case; from which the practical conclusion follows. The following may serve as an example of the complete operation:—

General Maxim.

When a customs duty is so high that it produces extensive smuggling, it ought to be reduced.

Particular Case.

The existing customs duty in country A, upon tobacco, or brandy, or hardware, &c. [as the case may be], leads to extensive smuggling.

Practical Conclusion.

Therefore the duty in question ought to be reduced.

When the application of political theorems or maxims to practice has been reduced into this form, the difficulty of the case has been overcome. The sagacity and judgment of the practician is shown in constructing the syllogism. When it is once constructed, its logical force is apparent to every one. The difficulty consists in bringing together the premises. The minor premise must be formed by an intelligent observation and selection of material facts, and it must then be placed under a maxim, the universality of which must be corrected so as to suit it to the circumstances of the given case. It is the subsumption

of the minor under the major premise which really constitutes the originality, or invention, of the argument.

§ 3 Now, in preparing a proposition for application to practice, in order to form his general maxim, the politician must, in the first place, consider what is the manner in which universal propositions require to be modified with reference to actual cases.

Every political theorem or maxim may require circumscription, with reference to an actual case, on either or both of the two following grounds: 1, There may be internal variations of the phenomena in the subject itself; or, 2, their natural or spontaneous operation may be disturbed by external causes. We have already had occasion to advert to both these reasons for limiting the extent of theoretical propositions in politics;(2) but the present is the proper place for a full inquiry into them.

It rarely happens in politics that a cause, even uncounteracted, operates universally in the same direction; it rarely happens that any affirmation can be made as to men's actions, which is independent of the casual varieties of individual character and disposition. It may perhaps be laid down universally that punishment tends to deter, and reward to encourage; that a duty upon a commodity tends to raise its price; that the issue of an inconvertible paper money tends to raise the prices of commodities; or that wrongs inflicted on foreign nations tend to provoke retaliation. In these and other instances the natural tendency, or *nisus*, of the cause is nearly constant in one direction; though (as we shall see presently) that tendency or *nisus* may be overcome by external resistance. But in the subject-matter of many, perhaps of most, political aphorisms, there is a variation through a long series of degrees; the majority of instances occurring about the middle of the scale, while the minority are scattered over the intervals towards both extremes, growing rarer as they recede from the middle. In a subject such as this, a general affirmation may be constructed which represents its prevailing and ordinary character, and which, though not universally true,

(2) Above, ch. ix. § 19; ch. xiii. § 4; ch. xv. §§ 8, 9.

is applicable to the majority of instances. A characteristic obtained by this method is analogous to a numerical average of a number of unequal magnitudes.(3) Now, when from a proposition thus established we make a general maxim, in order to apply it to a particular case, we must consider whether the case in question is one of those which form the nucleus of the subject, or is one of the extreme and rare cases which are grouped around it. For if it be in the latter position, the application of the maxim to it, without correction, will inevitably lead to practical error.

Suppose, for example, that we seek to apply to a given absolute monarch, or to a given popular assembly, maxims of conduct founded on the following propositions :

Absolute monarchs prefer bad men to good.

Popular assemblies prefer flatterers to honest advisers.

Now, these propositions may have been generalized from a wide induction, and this induction may be supported by many collateral reasons, showing that the circumstances in which an absolute monarch or a popular assembly is necessarily or naturally placed, are likely to produce the preference in question. Yet, the peculiar character of a given absolute monarch, or popular assembly, may be such as to lead them to have no strong preference either way, or even to prefer good men and honest advisers to bad men and flatterers. It is remarked by Tacitus, as a general truth, that the next successor to an existing ruler, whether by inheritance or otherwise, is regarded by him with suspicion and hatred.(4) A similar remark has been sometimes made in modern times. Yet, even if we admit that this proposition represents the ordinary state of things, it is highly probable that cases will occur in which an existing ruler may regard his presumptive successor with favour and affection, may rejoice in

(3) See above, ch. xv. § 10.

(4) Otho believed himself to be an object of jealousy and dislike to Galba, as being his probable successor. 'Suspectum semper invisumque dominantibus, qui proximus destinaretur.'—*Hist.* i. 22. At the death of Germanicus, the Roman people said: 'Displicere regnantibus civilia filiorum ingenia.'—*Ann.* ii. 82. Compare the popular belief at the death of Augustus, that he chose Tiberius as his successor in order to cause the people to regret his loss.—*Ann.* i. 10. See also Plutarch, *Demetr.* 3.

his good qualities, and may select him on account of his popularity and fitness for the station.(5) Before, therefore, a practical maxim founded on either of these propositions is applied to a particular case, it is necessary to examine the nature of that case, and to observe whether the character of the principal persons concerned agrees with the average and ordinary character represented in the inductive proposition. Without this precaution, we incur the danger of applying the rule to the exception, and of acting on a maxim, the ground of which is accidentally absent.

General propositions of this sort may be considered as presumptive truths, which are more likely to be applicable than not to be applicable to a given subject. Hence we may start, in our analysis of the subject, from the presumption, and examine whether it does *not* apply: we may call on the specific instance to show cause why it should not come under the general rule. If this inquiry should lead to the result that the case is not exceptional, we may proceed, without further hesitation, to frame a practical maxim out of the theoretical proposition. If, on the other hand, a negative result should be obtained, and the case should appear to be exceptional, we must abstain from acting upon a general presumption which is founded only upon a preponderance of cases, and is false in the actual instance.

General aphorisms of this sort resemble that class of legal presumptions which are not conclusive, and which admit of proof to the contrary; but until that proof is afforded, hold good in the individual case. Thus it may be a presumption of law that a man is innocent until he is proved to be guilty, according to the maxim, 'Quilibet præsumitur bonus, donec probetur contrarium.' It may be a presumption of law that possession is *primâ facie* evidence of property. But these presumptions have only

(5) 'Nec tellus eadem parit omnia. Vitibus illa
Convenit; hæc oleis; hac bene farra virent.
Pectoribus mores tot sunt, quot in orbe figuræ:
Qui sapit, innumeris moribus aptus erit.'
Ovid, *De Art. Am.* i. 757-60.

a provisional validity; they are susceptible of refutation; and they are only applied to a given case until they are rebutted by special proof.

The propositions respecting forms of government are, for the most part, presumptions of this nature. They represent, not the invariable tendency of a uniform cause, which would always act if unresisted, but the average and predominant character of the subject. We must, therefore, be careful to examine the subject, and observe its individual peculiarities, before we bring it under a practical maxim, formed out of the general theorem. For instance, in reasoning upon the probable operation of despotism in any individual case, we must not omit to note the character of the absolute monarch, and the established practice of his government; without this precaution, we might confound the probable acts of a Tiberius or Nero with those of a Titus or Antoninus Pius; or those of a Nadir Shah with those of a Joseph II. or Frederick the Great. The same precaution is necessary in estimating the probable acts of an aristocratic or democratic government in a given case. General presumptions, though they may assist the judgment, cannot supersede the necessity of investigating the facts of each case.

General presumptions as to the operation of political forms and institutions may be falsified in either one of two ways.

When the average and predominant operation of the form or institution is good, it may be frustrated by the badness of those who use it. They may, from their moral defects, convert wholesome food into poison. Thus a popularly elected legislative body may be described as being in general a beneficent institution; yet, in a particular case, its operation may be so perverted by the factiousness, violence, corruption, or timidity of its members, as to render it productive of more evil than good. Other institutions of a refined nature, which work well in a highly civilized community, may, in a less civilized country, be found to fail, on account of the want of skill, intelligence, patience, and habits of sustained attention and mutual forbearance in the persons upon whom their execution depends. They are like tools of a refined

make in the hands of a clumsy or ignorant artisan. Again, the average and predominant operation of the form or institution may be bad, but its defects may be supplied by the moderation, good sense, or skill, of those who use it. Thus Aristotle says: 'Some oligarchies continue to exist, not because the form of government is stable, but because those in power bear themselves well, both towards the other members of the governing body, and those who are not members of it. As to the latter, in not wronging them, and in admitting into the governing body such as are of an aspiring disposition; in not wounding the ambitious in their feelings of honour, and not affecting the multitude in their purse: as to the former, in treating them on terms of equality.'(6) Again, he remarks, elsewhere: 'It has often happened that the constitution according to law is not popular, but that, from the character and practice of the ruling persons, it is administered in a popular manner; and in other cases, that the constitution has been according to law of a popular tendency, but in its working and conduct is rather oligarchical.'(7) Bodin, likewise, in his treatise, *De Republicâ*, observes that a few nobles may either administer the state according to popular principles, or may govern it in an aristocratic spirit.(8) The probable operation of any institution or law can only be determined by considering how persons of an average character will act when they are placed under its influence. If, however, the persons in question deviate, either wholly or to a great extent, from this average character, the generalization will fail with respect to them. The presumption, though true generally, may be overruled by special evidence to the contrary. Hence it is most important to bear in mind the nature of such presumptive theorems, and not to confound a provisional and *primâ facie*

(6) *Polit.* v. 8. (7) *Ib.* iv. 5.

(8) ii. 2, p. 295. The following remark of Montesquieu is too absolute, but it recognises the fact, that the evil tendency of laws may be remedied by the goodness of the persons who administer them: 'Il y a peu de lois qui ne soient bonnes, lorsque l'état n'a point perdu ses principes; et comme disoit Epicure, en parlant des richesses, ce n'est point la liqueur qui est corrompue, c'est le vase.'—*Esprit des Lois*, viii. 11.

with a conclusive and absolute proposition. Such presumptions apply in the first instance to an individual case, and throw on the inquirer the burden of proof that the fact is otherwise; but they do not conclude the question. To suppose that they have a greater force would be equivalent to reading the legal maxim as to guilt without its final clause, 'Quilibet præsumitur bonus, *donec probetur contrarium*,' and therefore acting on an inflexible and uniform maxim, that every man is innocent.

§ 4 We now pass to the second reason, stated above, for the circumscription of a universal political theorem or maxim, with reference to the circumstances of an actual case: viz., that the natural or spontaneous operation of the phenomenon may be disturbed by external causes.

The instances which we have already examined, are where, from a peculiarity of character, the persons conducting the affairs of a government are not likely to act according to general presumptions derived from average experience. In these instances therefore, the cause is not set in motion; there is no attempt at action, no unsuccessful endeavour, which an antagonist influence counteracts. The instances which we are about to consider, are of two sorts: viz., where a political cause is either counteracted or aggravated by some external agency. A cause acting freely may be disturbed in either of these ways. Its natural influence may either be arrested or retarded; or it may be stimulated and increased. We will first examine the former of these disturbing influences.

Where a cause is set in motion, and acts constantly in one direction with a steady and uniform nisus, its operation may sometimes be suppressed by an overwhelming opposition, sometimes repressed and weakened, though not quite overborne, by impeding and retarding forces. Thus the fear of punishment is a cause constantly acting in the same direction. Its tendency is always to deter; but this tendency may be counteracted in each actual case by a variety of circumstances which sometimes weaken and sometimes nullify its operation. Freedom of trade tends constantly to facilitate supply, and thus to produce cheap-

ness; but in considering the probability of this effect being produced in any individual case, we must estimate the probability of such events as deficient harvests, difficulty of freight, insecurity arising from war or civil commotions, and the like. The reduction of a high customs duty on any article would naturally tend to increase its importation; yet a change in the public taste, or the discovery of a cheaper or preferable substitute, might prove an effectual counteraction to this tendency.

Before, therefore, we form a practical maxim out of a general theorem, or use a maxim formed from a theorem without any limitation, we must consider whether the cause is likely to operate freely, or to be impeded by counteracting influences. If the latter is likely to be the case, we must attempt to calculate their force, direction, number, duration, and combined action; and having made this calculation, we must correct our general theorem accordingly. It is in this process that the value of theory and the skill of the practician are equally perceptible. Without theory, the practical politician would be bewildered in a crowd of unconnected and unarranged particulars. He would be like a solitary wanderer in a trackless forest, without any knowledge of the ground. But with theory alone as his guide, and without any inquiry into the facts of the case, he would almost infallibly be led into error. He would apply to a concrete case a practical maxim founded upon a theorem, which supposes only an arbitrarily limited abstraction. He would therefore commit the same error as that of a military engineer who should calculate the actual course of a cannon ball by equations in which the friction of the atmosphere is neglected.

§ 5 Whenever it is affirmed that anything is 'true in theory and false in practice,' or that it is 'good in theory and bad in practice,'(9) the meaning intended to be conveyed is, apparently, that which has been just described. This objection is taken when it is proposed to apply a general theorem to some

(9) Compare the *Essay* of Kant: '*Ueber den gemeinspruch: Das mag in der theorie richtig sein, taugt aber nicht für die praxis.*'—*Werke*, vol. vii. part i. p. 177.

actual case, and the objector admits that the theorem is, scientifically or abstractedly, true; in other words, that if the phenomena supposed in the theory all co-exist, and co-exist alone, without anything to impede their operation in any actual case, the result predicated will also exist. But he affirms that in the actual case under consideration, either some of the phenomena supposed in the theory are absent; or (what is more common), that certain other phenomena not supposed in the theory, are present, and that the theoretical proposition therefore requires correction before it can be safely applied to the case in question. If we assume *A*, and *A* alone, to exist, it may be true that *B* will follow; but if, in the actual case, we have $A + a + \acute{a}$; then it may not be true that *B* will follow. In this manner, the proposition which is true in theory may be false (that is to say, inapplicable without correction) in an actual case of practice.

The question therefore which the objector raises, is not as to the truth of the theorem, so long as it remains a mere scientific abstraction, but as to the construction from it of a practical maxim, to be applied to the case under discussion. Now it may indeed happen that the objection is unfounded, and that the practical maxim may be properly formed from the theory, and applied directly to the individual case. The circumstances alleged by him may be irrelevant; they may not be sufficient to differentiate the case, and to prevent the general rule from including it. The exemption may be really urged by the arguer, not because the case is abnormal, but because it is his own, and because his personal interest is at stake. On the other hand, it may happen that the general theorem is not applicable to the case in question without corrections which nullify its effect. It may be apparent, upon an examination of the facts, that the natural tendency of the cause will be counteracted by so many obstacles as to prevent it from reaching its appointed goal; or that other circumstances exist which withdraw the case from the general rule, and place it among the exceptions. Thus the following are practical maxims for the management of an army in war,

taken from an ancient treatise, embodying the results of Roman experience.(10)

'1. If you discover that your plan of operations has been betrayed to the enemy, you ought to change your arrangements.

'2. Soldiers in quarters are best kept in discipline by punishment and fear; when they are in the field, hope and reward produce the best effect.

'3. It is better to press your enemy with hunger than with the sword.'

These are practical maxims founded upon general theorems which have been derived from an intelligent induction of particulars, and which represent average experience. But they are not absolute and universal; they are presumptions, not inflexible precepts; they cannot be applied blindly without a scrutiny and a consideration of the facts of the given case. Thus, it may be generally true that when an intended plan of attack has been betrayed to the enemy, a different point of attack may be selected with advantage. But this maxim is not invariable: the plan originally chosen may offer such prospects of success, and the alternative plans may be so inferior to it, that it may, on the whole, be preferable even with the drawback of being known beforehand to the enemy, who is thus able to meet it with counter-preparations. In an instance of this sort it may be said (with some laxity of language) that the rule is theoretically true but practically false, or, more correctly, that the general presumption fails, and the case is exceptional.

Again, it may be laid down generally that certainty of punishment is the most effectual mode of repressing crime.(11) From this general proposition a practical maxim arises which may be safely applied to the majority of actual cases. Nevertheless, conjunctures occur in political affairs when clemency produces a more tranquillizing and healing effect, than an inflexible and

(10) Vegetius, *De Re Mil.* iii. 26.

(11) See Paley's *Moral and Political Philosophy*, b. vi. c. 9, vol. 4, p. 445.

mechanical infliction of the legal punishment; when pardons and commutations of sentences are more likely to repress crime than a strict execution of the law. It may likewise be laid down generally that punishment operates chiefly by way of example to the community at large, and that the removal of the convict himself is a matter of secondary moment. Nevertheless, cases may occur where the ostracizing principle is more important than the deterring example of the offender's punishment, and where it is the first object to get rid of the criminal, and eliminate him from the state.(12)

§ 6 The circumscription of general maxims, with reference to actual cases of practice, is thus effected by *adding* the circumstances of the given case, and considering the combined result. A general theorem is founded on a limited set of hypothetical data, and the more limited they are, the more abstract is the theorem. The intensity varies inversely with the extent of its signification. Now a theoretical proposition, when converted into a rule of conduct, may be conceived as taken in connexion with an indefinite number of sets of concomitant circumstances, which may modify its operation. If, therefore, we add a definite number of circumstances to the proposition, we exclude all uncertainty as to the possible combinations, and we in fact perform a sort of practical *abscissio infiniti*. We substitute a real and definite for an ideal and indefinite compound. The addition of a limited number of terms operates as the exclusion of an unlimited number.

Thus, let it be supposed that our general theorem is as to the operation of legal punishment. Legal punishment, if left to itself, may be expected to produce abstinence from crime; but it may be accompanied, and as it were, held in solution by a vast variety of collateral circumstances which may influence its operation. Thus, it may be combined with an inefficient or unskilful

(12) The circumstances which rendered this mode of punishment expedient in a Greek state are enumerated in Mr. Grote's *History of Greece*, vol. iv. p. 200-17. Plato, (*Leg*. i. 8, p. 636) remarks, that institutions may suit some states, but not others; that no universal rule can be laid down, ἔργῳ καὶ λόγῳ, both in practice and theory. Compare vol. i. p. 22, n. 29.

police, a venal, weak, or tardy administration of justice, difficulty of detection, unwillingness to prosecute or to give evidence, or a fanatical contempt of suffering. Various other circumstances might likewise be mentioned which diminish the deterring force of the fear of legal punishments on the minds of given individuals.(13) Now, all that can be said with reference to such a general theorem, so long as it remains an abstraction, is that it describes a prevailing tendency, liable to be resisted and modified by an unlimited number of counter-influences with which legal punishment may be combined. But when an actual case is laid before us, we can perceive whether any, and which of those other circumstances are present. Of such as are wanting we take no account, we note those which are discernible, and we then form a definite practical problem, in this shape: 'How will the denunciation of legal punishment operate, taken in connexion with a reluctance of witnesses to give evidence, or with a willingness of judges to take bribes (as the case may be)?' 'What will be the effect of legal punishment, combined with a hope of impunity, or a disregard of pain, of some special ascertained nature?'

Again, let it be assumed that the general maxim to be applied to a particular case is, that when the population of a country becomes redundant, it ought to be relieved by the foundation of a new colony. In order, however, to determine the fitness of applying this rule to the given case, we must add the material circumstances of the actual problem: such as the distance of the proposed settlement, its situation with respect to other countries, the expense of defending it, the political relations in respect of dependence which would subsist with the mother-country, the military and naval resources of the mother-country, and the like. When all these circumstances have been enumerated and arranged, a practical problem arises in this form: 'Is it expedient for a country having a redundant population to found a new colony in such a position, with such political relations, with such a

(13) See in Aristot., *Rhet.* i. 12, an enumeration of many of the motives which induce a man to commit crime, and to brave the danger of punishment.

prospect of expense to the mother country?' However the general maxim might be combined with peculiar circumstances for the indefinite number of *other* colonies which may be conceived to exist, the question before us is to determine its applicability under the circumstances of this individual case, and subject to the conditions thus indicated.

§ 7 In the discussion of a practical question, it is not unfrequently said that the case must be decided on its own merits, and that every new case will depend upon its own circumstances. Now every case, however peculiar and abnormal it may be, must be decided on some principle or combination of principles. Every practical syllogism must have its major premise, affirming the general maxim, as the minor premise lays down the facts. The meaning of the remark just adverted to is, that when the circumstances of a case are numerous or exceptional, it is necessary to specialize the governing principle in the manner above described. Its generality must be limited, by making allowance for the additional circumstances beyond those assumed in the abstract hypothesis. These additional circumstances differentiate the problem, and thus create a necessity of modifying the general maxim accordingly.

This is the meaning of what, in legal language, is called a 'special case.' Every case, however special, involves some principle; but the principle involved in a special case is not of extensive generality and wide application. It is encumbered by qualifications, and entangled with other principles, which correspond with the complexity of the facts, and therefore it is inapplicable to cases which are simpler, or which, though complex, have a different complexity, and are formed by the aggregation of a different set of circumstances around the same nucleus.

§ 8 The other species of disturbing influences to which a political cause is subject, is where its operation, instead of being retarded, is accelerated—instead of being counteracted, is augmented, by an external agency.

Thus, legislative measures intended to lower the prices of

food by encouraging importation, may be assisted by plentiful harvests; a concession to popular demands, which would have been prudent under ordinary circumstances, may be rendered dangerous in its consequences by the outbreak of revolutionary excesses in a neighbouring state, which are contagious, and communicate a disposition to violence which otherwise would not exist. Inasmuch as a given effect may not only be due to several conditions, together constituting one cause, but may be produced by several causes acting independently of each other, it follows that, where one cause is set in motion, and other independent causes of the same effect accidentally supervene, the combined effect of all the causes is greater than that of any one singly. Thus, in medicine, the effect of a curative process may be accidentally increased by some unexpected concurrent circumstance; some natural action of an organ, or change of temperature, may conspire with the treatment in producing a given effect.

Where a decisive blow is to be struck, the concurrence of other unforeseen causes tending in the same direction is a gain. For example: in war, if at the time of an attack on the enemy some of his forces unexpectedly desert, or change sides, or if the effects of a blockade are assisted by a pestilence, the concurrent cause helps. But if the intention is to hold a middle course, and to avoid all extremes, an unexpected circumstance increasing the action of the cause, and carrying the effect beyond the calculation, defeats the original design. Hence, in fitting a general maxim into a practical syllogism, it is necessary to consider, not only whether the cause is likely to be resisted, but whether it is likely to be aggravated in the individual case, and to make allowance accordingly.

A rule is always weakened, and not confirmed, by exceptions to it.(14) If we form a practical maxim upon the proposition, that absolute monarchs hate good men, the maxim is defective in the exact proportion to the number of absolute monarchs who

(14) See above, ch. ix. § 19 (vol. i. p. 387).

do not hate good men, as compared with those who do. Exceptions to a rule may often be enumerated and classified, and the rule amended accordingly, as in grammatical rules. To the extent of the exceptions thus admitted, the rule is inapplicable and false; but when a cause is disturbed in its operation, in the way either of counteraction or aggravation, the general maxim cannot be said to be unsound, because it is founded on a theorem which does not contemplate the disturbing agency. The disturbance is not in the nature of an exception, but it is a supervening external influence, which must be allowed for in the individual case, if its occurrence can be foreseen and its force measured.

§ 9 One important set of circumstances which modifies the operation of all political causes, for which an allowance must be made in all the practical applications of political theory and political maxims, and which enters as a perpetual though variable term in all political equations, may be comprehended under the name of *habit*. The habits of a people exercise so constant a modifying influence upon all the political forces to which it is exposed, that their nature and action require a full examination.

The subject of habit has the closest bearing upon everything which concerns human nature and human action. Even in the involuntary and instinctive functions of the body, with which the science of physiology deals, habit is of great importance. The body, considered without reference to the mind, is capable of contracting both healthy and morbid habits, and even temperaments may be acquired. The ordinary animal functions, such as eating, sleeping, &c., are determined, within certain limits, by habit; diseased actions of the system likewise become recurrent and periodical.(15) That ethical or moral science is intimately connected with habit, its names alone bear witness.(16)

(15) Cabanis, *Rapports du Physique et du Moral de l'Homme*, mém. ix. § 3, tom. ii. p. 145 : ‘Personne ne peut ignorer,’ &c.

(16) *ἡ δ' ἠθικὴ [ἀρετὴ] ἐξ ἔθους περιγίνεται, ὅθεν καὶ τοὔνομα ἔσχηκε μι ρν παρεκκλῖνον ἀπὸ τοῦ ἔθους.*—Aristot. *Eth. Nic.* ii. 1. The same remark occurs in the *Magna Moralia*, i. 6. ‘Quia pertinet ad mores, quod *ἦθος* illi vocant, nos

'Mankind (says Paley) act more from habit than reflection. . . . There are habits not only of drinking, swearing, and lying, and of some other things, which are commonly acknowledged to be habits, and called so, but of every modification of action, speech, and thought. Man is a bundle of habits. There are habits of industry, attention, vigilance, advertency; of a prompt obedience to the judgment occurring, or of yielding to the first impulse of passion; of extending our views to the future, or of resting upon the present; of apprehending, methodizing, reasoning; of indolence and dilatoriness: of vanity, self-conceit, melancholy, partiality; of fretfulness, suspicion, captiousness, censoriousness; of pride, ambition, covetousness; of overreaching, intriguing, projecting; in a word, there is not a quality or function, either of body or mind, which does not feel the influence of this great law of animated nature.'(17)

Even the more intelligent animals are capable of contracting habits,(18) and are thus susceptible of domestication. Some of these habits, when once acquired, are transmissible through successive generations, and become, so long as the domestication is preserved, a part of the animal's nature.(19) In general, however, continuity of action is produced in animals, not by habit, but by instinct. The uniformity of food and habitation in animals arises, not, as in man, from a habit more or less variable founded on reason, but from a blind impulse, working invariably. The predominance of habit is a peculiarity characteristic of man; and habit corresponds, in the human economy, with instinct in

eam partem philosophiæ 'de moribus' appellare solemus: sed decet, augentem linguam Latinam, nominare moralem.'—Cic. *de Fato*, c. i. The word *moralis* never became current in classical Latinity; it is, however, used by Seneca, *Ep.* 89, § 8, and Quintilian, vi. 2, § 8. After the revival of letters, it was much employed by the translators of Greek, and has thus passed into all the modern languages.

(17) *Moral and Political Philosophy*, b. i. c. 7. The nature of moral habits is well expounded and discussed in Sydney Smith's *Sketches of Moral Philosophy*, lectures 26 and 27.

(18) On the force of habit in animals, see Leroy, *Lettres Philosophiques sur l'Intelligence des Animaux*, p. 30.

(19) See Prichard's *Natural History of Man* (1845), p. 34, 40, 70; Carpenter's *Zoology*, § 109, 110; Cabanis, *Rapports du Physique et du Moral de l'Homme*, mém. ix. § 3, tom. ii. p. 147; ed. 1824.

the animal economy.[20] At the same time, all animated nature is, to a certain extent, susceptible of the influence of habit. Not only animals can be domesticated, or trained to certain acts, but even plants can be acclimated; whereas the nature of inanimate things is immutable. No habituation can render gunpowder incombustible, or teach water to run up an inclined plane.

Habit is the state of mind which is produced by a repetition of the same act. Repetition is essential to the formation of habits; but the effects of repetition vary, according to the nature of the act repeated. Thus, sensual pleasures are diminished and weakened by repetition; they do not admit of variety, and after a time they pall upon the senses. Increased quantities and more stimulating agents are resorted to, in order to keep up the excitement. The drinker rises from wine to brandy—the opium-eater multiplies his doses; but these additional stimuli, if carried beyond a certain point, destroy the sensibility of the organ.[21]

On the other hand, the pleasures of the intellect, the imagination, the taste, and the affections, are (within moderate limits) heightened rather than impaired by repetition. These admit of an infinite variety in the mode of their manifestations; their repetition consists in similarity, not in sameness—and hence they do not, like a renewed application of the same stimulating meat or drink, weary the jaded senses, or pall upon a listless appetite.

(20) As to the correspondence of habits in man with instinct in animals, Flourens, *De l'Instinct*, p. 57-8.

(21) 'It appears to be a general law, that habit diminishes physical sensibility; whatever affects any organ of the body, affects it less by repetition.'—Sydney Smith, *ib.* p. 396.

'L'abus du vin, comme celui des autres stimulans, peut sans doute détruire les forces du système nerveux, affaiblir l'intelligence, abrutir tout à la fois le physique et le moral de l'homme: mais pour produire de tels effets, il faut que cet abus soit porté jusqu'au dernier terme; il est même rare qu'il le produise sans le concours des esprits ardens, auxquels les grands buveurs finissent presque toujours par recourir, quand le vin n'agit plus assez vivement sur leur palais et sur leur cerveau.'—Cabanis, *ib.* mém. viii. § 13. 'Le propre de l'habitude est d'émousser le sentiment; de ramener toujours le plaisir ou la douleur à l'indifférence, qui en est le terme moyen.'—Bichat, *Recherches Physiologiques sur la Vie et la Mort*, art. 5, § 2.

The eagerness of pursuit increases, rather than relaxes, as similar objects are again and again sought after. Pleasures which are thus enhanced by repetition may be either innocent or vicious; there may be the intellectual gratification arising from the serious researches of the philosopher, the student, and the man of science; there may be the esthetic enjoyment arising from the pursuits of the poet, or the artist; there may be the moral satisfaction arising from the cultivation of the domestic and social feelings; there may, on the other hand, be the pleasures arising from a habit of gambling, of cruelty, or of rapine.

Again, things in themselves indifferent to us become, after a time, consecrated and endeared by habit.(22) The repetition of the same act, the frequent performance of any manual operation in the same manner, the frequent sight of the same object, and the frequent perception of the same sound, renders it agreeable to us, independently of the facility of execution. There is a pleasure and a charm in mere familiarity, where it is not carried to the length of oppressive iteration. Hence, each person is attached to the place where he has lived, to the house which he has inhabited, to the mode of life which he has followed; and he prefers the fashions of dress, eating, travelling, &c., to which he has been accustomed, and prefers them to all others—not as being worse than his own, but as being different from them.

Habit, again, reconciles us to much that was at first painful and distasteful. Pains, like the pleasures of the senses, lose their acuteness by frequent recurrence. Labour, both bodily and mental, is lightened by repetition: we are trained to the work, and can perform it with less exertion. Thus walking, riding, leaping, and the various manual exercises, are rendered easier by practice. The muscles are strengthened, and adapted to their work by use, and a less degree of attention is necessary for their direction. Certain bodily operations may even become, after a time, almost mechanical. An artisan, who is constantly

(22) Aristot. (*Rhet.* i. 11, § 3) remarks that habits are pleasant; for that what is habitual resembles what is natural. *Often* borders upon *always*; and nature partakes of the latter—habit, of the former.

employed in the same species of labour, is able at last almost to attain, not only the precision and regularity, but even the unconsciousness of a machine. A similar effect is produced on the mind by habit: difficulties are diminished, asperities are rubbed off, by a repetition of the same mental process.(23) The lawyer, the physician, the practical man, finds that experience not only increases his skill, but lightens his toil. The feelings are reconciled to an object, first viewed with repugnance: ideas which once appeared obscure or complex, become perspicuous and simple: the intricacy of involved subjects is disentangled, and the mind acquires a new character under the influence of repeated thought. 'Use almost can change the stamp of nature.' The facility gradually obtained in the use of language and writing is a remarkable instance of the efficiency of habit; and, indeed, education in general consists mainly in the formation of habits.(24)

There is scarcely any lot of labour, drudgery, or suffering, which is not mitigated by habit. We are familiarized to hardships by enduring them. As the stomach learns after a time to resist sea-sickness, and loses its sensibility to the motion of the ship, so the mind is reconciled to the privations of a seafaring life, and finds a pleasure in an existence, which to a landsman would be intolerable.

In general, the test of the formation of a habit is the production of pain by the discontinuance of the acts of which it is composed. 'An active habit for anything (says Mr. Sydney Smith) may be said to be formed, when we feel either a difficulty in not doing it, or a pain from its not being done, and when the principal cause for this pain or difficulty is, that we have done the thing often before.'(25)

(23) 'Quod male fers, assuesce; feres bene: multa vetustas
Lenit; at incipiens omnia sentit amor.'
Ovid, *Ars Am.* ii. 647.

(24) See Locke *on the Conduct of the Understanding*, § 28; Comte, *Traité de Législation*, liv. iv. c. 13.

(25) *Sketches of Moral Philosophy*, lect. 27, p. 409. The same test is established by Aristotle: σημεῖον δὲ δεῖ ποιεῖσθαι τῶν ἕξεων τὴν ἐπιγινομένην ἡδονὴν ἢ λύπην τοῖς ἔργοις.—*Eth. Nic.* ii. 2.

When the mind is not stimulated by new pleasures, or occupied by pursuits which habit has rendered agreeable, it is subject to that oppressive and wearisome state of languor, which the French have designated by *ennui*.[26] *Ennui* may sometimes be caused by the superfluous iteration of the same idea, or a monotonous repetition of the same act; but in general it arises from a want of excitement or employment for the mind, or from a participation in pursuits foreign to our tastes and habits.[27]

The habits of which we have been speaking refer properly to man, considered as an individual, and they are the subject of ethics, or of any other science or art which deals with the acts of men. An aggregate of habits, either successive or contemporaneous, in different individuals is denoted by the words *custom*, *usage*, or *practice*.[28] When many persons—either a class of society, or the inhabitants of a district, or an entire nation—agree in a certain habit, they are said to have a custom or usage to that effect.

Customs may be of two kinds. First, there may be voluntary customs—customs which are adopted spontaneously by the people, and originate from their independent choice, such as the modes of salutation, dress, eating, travelling, &c., prevalent in any country, and most of the items which constitute the manners of a people. Secondly, there are the customs which are the result of laws—customs which have grown up in consequence of the action of the government upon the people. The latter are more uniform and predominant, as being the result of coercion, and being enforced by the legal sanction, whereas the other class

(26) Concerning *ennui*, see Helvetius *de l'Homme*, sect. viii.

(27) One peculiar effect of repetition is its producing a sense of the ridiculous. This arises where certain words, expressions, or unmeaning or singular gestures, are frequently repeated. The frequent repetition of anything which is, in itself, trifling, implies a foolish solicitude about a matter undeserving of such attention, and therefore provokes laughter.

(28) A similar distinction between *mos* and *consuetudo* is made by Macrobius, *Saturn*. iii. 8, commenting on Virgil, *Æn*. vii. 601. He quotes Varro, as stating that *mos* is the unit, and *consuetudo* the resulting aggregate: 'Varro de moribus morem esse dicit in judicio animi, quem sequi debeat consuetudo.' He adds, in reference to the words of Virgil, 'Mos ergo præcessit, et cultus moris secutus est, quod est consuetudo.'

of customs are enforced only by the sanction of popular opinion. Thus, when successive judges in a court of justice have laid down certain rules of procedure, and the advocates pleading before the court have observed these rules, such is called the established practice of the court. The sum of the habits of the successive judges and practitioners constitutes the practice of the court. The same may be said of a deliberative assembly, or any other public body, renewed by a perpetual succession of its members. In churches, the equivalent name is rites and ceremonies.

Now, when a new law is introduced in any country, or a political change is made, by which existing customs and usages are disturbed, the alteration is displeasing and painful to the people, unless they are widely dissatisfied with their institutions, and desire a reform. Even when a law is unpopular, and a change is loudly demanded, its unpopularity is generally limited to a portion of the population, and the rest view it with indifference, so that, upon the latter, the full effects of a disruption of old habits are felt. As we have already seen, the test of the existence of a habit is the production of pain by its discontinuance, so that no habit can be broken off without pain.

The influence of habit in modifying and counteracting the operation of new laws is twofold: it arises—1, from the attachment of the people, considered as the subjects of legislation, to the old law; 2, from the reluctance of the executive functionaries to alter their habits, and to adopt new modes of action.

As we have already shown, a person who has been accustomed to see a thing done in a particular manner, acquires a predilection for that mode of doing it, which is independent of any share of his own in the act. Hence, if a person is accustomed to see prisoners tried, or soldiers armed and exercised, in a particular manner, he contracts from habit a preference for that mode. In like manner, a person who has been accustomed to a certain form and ceremonial of worship, and to a certain ecclesiastical vestment, views with displeasure any change in these matters, though it may affect no article of faith. It is to be observed, moreover, that in politics we are not concerned with

single habits, but with habits in the aggregate, or customs. Now, as Lord Bacon says, 'if the force of custom, simple and separate, be great, the force of custom copulate and conjoined and collegiate is far greater; for there example teacheth, company comforteth, emulation quickeneth, glory raiseth; so as in such places the force of custom is in its exaltation.'(29) The effect of custom is likewise enhanced, if the habits of which it is composed were common to the preceding as well as to the contemporary generation. If the institution has descended to the living persons from their forefathers, it is strengthened by the associations of childhood, of ancestry, and of national history; it is ennobled and hallowed by patriotic, religious, and popular sentiments. Hence it is a theme of exhortation, 'traditum ab antiquis morem servare;' and one of the commonest incitements to exertion is an appeal not to degenerate from the customs of our ancestors. A reference to ancient usages and time-honoured institutions rarely fails to strike a chord of feeling which thrills in many breasts. To say that anything is national, is a theme of praise in each nation. The epithet English is laudatory in England, German in Germany, French in France, Spanish in Spain; as the epithets un-English, un-German, un-French, and un-Spanish imply censure, each within its own territory.(30)

All national usages become a sort of second nature to many

(29) *Essay*, xxxix. 'Of Custom and Education.'

(30) Herodotus, in commenting on the folly of Cambyses, in outraging the religious feelings of the Egyptians and others, remarks that all nations think their own laws and customs the best; and he tells a story of Darius in illustration of this dictum.—iii. 38.

Nepos, in the preface to his biographies, expresses a fear that his readers may object to some of the anecdotes which he relates respecting eminent Greeks: 'Sed hi erunt fere, (he continues,) qui expertes literarum Græcarum, nihil rectum, nisi quod eorum moribus conveniat, putabant. Qui si didicerint, non eadem omnibus esse honesta atque turpia, *sed omnia majorum institutis judicari;* non admirabuntur nos in Graiorum virtutibus exponendis mores eorum sequutos.'

Nepos, therefore, assumes that national custom is the standard of right and wrong in ethics.

As to the authority which an established government derives from custom, see Sir W. Temple, *Essay upon the Original and Nature of Government; Works*, vol. ii. p. 37.

persons, especially to those who have read, thought, and travelled little. Persons of this sort are properly called *narrow-minded*—the horizon of their ideas is contracted; neither by personal observation, nor through the medium of books, have they extended it beyond their own neighbourhood.(31) Hence, when they are brought into contact with customs and institutions different from their own, they are filled with amazement, and believe the order of nature to be violated. The most lively picture of such a state of mind is afforded by Orientals who visit European countries, or who become witnesses of European manners.(32) But the uneducated classes of every civilized country exhibit it, in a greater or less degree. They confound the habitual with the natural, and the unusual with the unnatural. They are shocked at practices to which they are unaccustomed, as if they involved a departure from the system of the universe.

But, while we remark the undue resistance to legislative improvements which arises from a froward and stiff-necked adherence to ancient customs, having nothing but a long prescription to recommend them, we must not overlook the security which every government derives from the principle of habit. It is the unreasoning attachment of the people to the existing institutions of the country which constitutes one of the main safeguards of a government.(33) Such an attachment, indeed, will

(31) 'Fuisset imperitum animal, et sine magnâ experientiâ rerum homo, si circumscriberetur natalis soli fine.'—Seneca, *Nat. Quæst.* v. 18, § 12.

(32) Hence the form of lettres Persanes, &c., has been adopted as a vehicle for unprejudiced comment on European manners and customs, or for hostile sarcasm, inasmuch as to an Oriental everything is strange, and different from his own.—See Dunlop's *History of Fiction*, vol. iii. p. 329-38.

(33) Aristotle lays it down, in his *Politics*, that when the legislative improvement is small, and danger may arise from too great facility in altering the laws, it is better to acquiesce in certain defects of the laws and the governors; for the advantage of change will not counterbalance the disadvantage of a habit of disobedience to the laws. It is a fallacy (he adds) to compare laws and arts; for a law derives its force only from the habit of obedience, for which the lapse of time is necessary; so that a readiness to change from the existing laws to other new laws weakens the power of the law.—*Pol.* ii. 8; *ad fin.* ἡλίκην δ'ἰσχὺν ἔχει τὸ σύνηθες οἱ νόμοι δηλοῦσιν, ἐν οἷς τὰ μυθώδη καὶ παιδαριώδη μεῖζον ἰσχύει τοῦ γινώσκειν περὶ αὐτῶν, διὰ τὸ ἔθος.—Aristot. *Met.* i. min. c. 3.

probably not arise, unless the institution is, on the whole, beneficial; but when it has once arisen, it is confirmed and augmented by habit; it derives strength from the existence of similar habits in others, and it creates a patriotic feeling, which prompts every citizen to action, independently of any special process of reasoning in the individual case, or of any prospect of direct personal advantage.

At the same time, it ought to be borne in mind that the principle of habit in politics, as well as in physiology, is a neutral principle; and that in the body politic, as in the body natural, bad as well as good habits may be formed, which harden into a second nature, and can only be gradually abandoned, as they have been gradually established. In like manner, as a confirmed habit of drinking spirits, or of eating opium, cannot be suddenly broken through, so a community which may have formed a habit of lawless violence, of indolence, or of improvidence, cannot be suddenly cured of it by new legislation.(34)

It may be added, that a large part of every system of law is avowedly founded upon custom. Every country admits, to a greater or less extent, consuetudinary or customary law, or, according to the expression of the Roman jurists, *jus moribus constitutum*.(35) Usage, that is, the systematic habits of a body of persons, extending through a continuous period of time, is frequently the origin of law. Thus, it may be customary to hold a fair at a certain town on a certain day. The law may step in, and declare that it shall be holden at that place and time. It

(34) οὐ γὰρ οἷόν τε ἢ οὐ ῥᾴδιον τὰ ἐκ παλαιοῦ τοῖς ἤθεσι κατειλημμένα λόγῳ μεταστῆσαι.—Aristot. *Eth. Nic.* x. 10.

(35) 'Inveterata consuetudo pro lege non immerito custoditur, et hoc est jus quod dicitur moribus constitutum.'—*Dig.* i. 3, 32. Compare *Inst.* i. 2, § 9: 'Ex non scripto jus venit, quod usus comprobavit. Nam diuturni mores, consensu utentium comprobati, legem imitantur.'

On customary law, see Savigny, *System des Heut. Röm. Rechts*, vol. i. p. 34, 76. According to the language of the English law, a legal custom is local or personal. The common law is a legal custom extending over the whole country, in the same manner as the *Book of Common Prayer* is opposed to prayers for private devotion. See the second part of Matter's work, *De l'Influence des Mœurs sur les Lois, et de l'Influence des Lois sur les Mœurs* (Paris, 1832).

may be customary for persons filling certain offices, or occupying certain stations, to have a certain precedence, and to wear certain distinctive dresses, or marks of honour. By the interposition of the legislature, a legal right to such precedence and marks of honour may be conferred. It is a custom, in all civilized countries, to wear mourning for the dead. This custom might be rendered obligatory by law, and be subjected to regulation. In like manner, where, in a country, there are certain prevalent usages with respect to the distribution of property by will, the letting of land, the hours of work, and the rate of wages, those usages might be converted into inflexible rules of law. So the ordinary price of an article, determined by the natural competition of the market, might be enacted by law. In a country where slavery exists, and where it is customary to make a certain daily allowance of food to a slave, a law might be passed fixing this allowance as a minimum. There is, indeed, a constant tendency to fortify prevailing customs with the legal sanction—to convert the general into the universal—to substitute the legal for the moral sanction, the power of the magistrate for that of public opinion.

In so far, therefore, as any parts of a system of law have this origin, any alteration of them will be counteracted, not only by the habits which have grown up under the legal enactment, but also by the habits which existed in the form of voluntary custom, before the legal enactment was made.

Besides the disinterested attachment which is produced in the manner just described, there is a second cause of the support which habit gives to ancient institutions. If a person is not only familiarized with a certain practice by seeing it as a bystander, but is himself concerned in its performance, he is attached to it not only by sentiment, but also by the facility of execution which arises from repetition, while, at the same time, he is disinclined to any new system which he may be required to administer, on account of the necessity for additional exertion, attention, and reflection which is imposed upon him by novelty and strangeness. Men of practice become habituated to a cer-

tain routine of business, and depart from it unwillingly. Use has rendered it familar to them, and has at last made easy what they acquired slowly and with difficulty. A change makes their acquired skill valueless, and thus either deprives them of their superiority, or compels them to fresh exertion in order to maintain the advantage. In this respect, public functionaries resemble the practical men of any profession or branch of industry: a judge is unwilling to alter the practice of his court, or an administrator the routine of his office, in the same manner that a physician adheres to old systems of medical treatment, or a farmer persists in following antiquated modes of cultivation.

Owing to the double operation of habit just described—viz., the disinterested preference for that to which we are accustomed, and the facility of execution arising from practice—there is a force perpetually operating in favour of existing laws, and against changes in legislation. Habit in politics, like the atmosphere in mechanics, is a constant force, which steadily opposes the operation of all motive agents. All political reforms are founded, to a great extent, upon an existing state of things, and are adapted to the peculiar circumstances of the country. They are often made with reference to some immediate object, and are only moulded gradually into harmony with the other institutions of the state. Where an attempt is made to draw a scheme of a new constitution, and to put it in force immediately, the attempt is usually frustrated in part, when it comes in contact with the customs and established practices of the people. It is the irregular and successive formation of a complex constitution which has given rise to the metaphor, that governments are not made, but grow, and has suggested the contrast of this process of gradual accretion, with the simultaneous act by which a statue, for example, is cast in a foundry.(36)

(36) 'Nostra autem respublica non unius est ingenio, sed multorum, nec unâ hominis vitâ, sed aliquot constituta sæculis et ætatibus.'—Cic. *de Rep.* ii. 1, where this remark is attributed to Cato the Elder, Rome being contrasted with the Greek states, whose constitutions were ascribed to single lawgivers.

'Mankind (says Dr. Ferguson), in following the present sense of their

The pain which is inflicted upon men by the disruption of their ancient habits, and the difficulty of overcoming the *vis inertiæ* which holds them to accustomed modes of execution, render all changes of laws and institutions a toilsome work.

minds, in striving to remove inconveniences, or to gain apparent and contiguous advantages, arrive at ends which even their imagination could not anticipate. Every step and every movement of the multitude, even in what are termed enlightened ages, are made with equal blindness to the future; and nations stumble upon establishments, which are indeed the result of human action, but not the execution of any human design. No constitution is formed by concert, no government is copied from a plan. We are therefore to receive, with caution, the traditionary histories of ancient legislators and founders of states. Their names have long been celebrated; their supposed plans have been admired; and what were probably the consequences of an early situation, is, in every instance, considered as an effect of design. An author and a work, like cause and effect, are perpetually coupled together. This is the simplest form under which we can consider the establishment of nations; and we ascribe to a previous design, what came to be known only by experience, what no human wisdom could foresee, and what, without the concurring humour and disposition of his age, no authority could enable an individual to execute.'—*Essay on the History of Civil Society*, part iii. sect. 2.

A similar line of observation is pursued by Mr. Stewart in the following passage: 'Of the governments which have hitherto appeared in the history of mankind, few or none have taken their rise from political wisdom, but have been the gradual result of time and experience—of circumstances and emergencies. In process of time, indeed, every government acquires a systematical appearance; for, although its different parts arose from circumstances which may be regarded as accidental and irregular, yet there must exist, among these parts, a certain degree of consistency and analogy. Wherever a government has existed for ages, and men have enjoyed tranquillity under it, it is a proof that its principles are not essentially at variance with each other. Every new institution which was introduced, must have had a certain reference to the laws and usages existing before, otherwise it could not have been permanent in its operation. If any one, contrary to the spirit of the rest, should have occasionally mingled with them, it must soon have fallen into desuetude and oblivion; and those alone would remain which accorded in their general tendency.'—*Elements of the Philosophy of the Human Mind*, c. 4, sect. 8.

'Attempts to form a perfect constitution have uniformly failed, and those institutions have thriven best which have sprung out of the necessity of the occasion. Constitutions are, in fact, productions that can neither be created nor transplanted; they are the growth of time, not the invention of ingenuity; and to frame a complete system of government, depending on habits of reference and experience, is an attempt as absurd as to build a tree, or manufacture an opinion.

'The chief objection to a constitution complete in all its parts is, that in the course of the last twenty years the experiment has been tried under various circumstances, and among different people, and that in no one instance can it be said to have succeeded. A constitution so drawn raises expectations which are not easily realized, and the disappointment produces either entire indifference to all law, or, on the contrary, a fresh endeavour, by the exaggeration of every principle of liberty, and the subver-

No legislative novelty can be introduced without some inconvenience. In every case, there will be some opposition to be overcome—some new exertion to be made. Hence, there is a certain presumption in favour of remaining as you are; of holding to an existing institution; of repudiating all ideals; and of abstaining from all practical experiments upon the great leviathan of society.(37)

It is, indeed, only by means of ideals, by trying upon society what has never been tried before, that political progress can be effected, and civilization be advanced. On this subject we shall say more elsewhere.(38) It is clear that, if mankind were solely governed by the principle of habit, and never made political experiments for the purpose of realizing an ideal conception, the world would be stationary, and successive generations of men would resemble successive generations of wild animals. But the question which the political reformer is called on to solve is, whether the probable advantage of his innovation may be ex-

sion of every practicable provision in the constitution, to attain an ideal perfection, of which, perhaps, no human society is capable. Securities are devised against dangers which never exist, and inconveniences are soon felt which were not foreseen, and which no means are left for providing against. These difficulties must be submitted to, or, if removed, the alteration shakes the confidence of the public in the stability of laws, the fundamental nature of which has been represented to them as their only security.'—*Sketch of a Constitution for the Kingdom of Naples, in* 1815, by Lord Holland, pp. 8, 12.

'Government may be, in some degree, reduced to system, but it cannot flow from it. It is not like a machine, or a building, which may be constructed entirely, and according to a previous plan, by the art and labour of man. It is better illustrated by comparison with vegetables, or even animals, which may be, in a very high degree, improved by skill and care, which may be grievously injured by neglect, or destroyed by violence, but which cannot be produced by human contrivance.'—Mackintosh, *Hist. of England*, vol. i. p. 72.

'Le pouvoir des parlemens, comme tous ceux de l'ancienne France, s'était formé, pourrait-on dire, par alluvion. Les évènemens les avaient accrus, et non les lois. Aucune règle suprème et incontestée ne définissait et ne délimitait leur action.'—Granier de Cassagnac, *Hist. des Causes de la Rév. Fr.* tom. ii. p. 257. M. Comte remarks that spontaneous changes, produced by the gradual course of events, are generally superior to what the most eminent reformers could have conceived.'—*Phil. Pos.* tom. iv. p. 580.

(37) See Montaigne, l. i. c. 22: 'De la Coûtume, et de ne changer aisément une Loi reçue.' Compare l. iii. c. 13.

(38) Below, ch. xxii.

pected to outweigh its certain disadvantages. Now the characteristic defect of political theorists([39]) is considered to be, that in resolving this practical problem they estimate at its full value the probable advantage of their reforms, while they make no sufficient allowance for the evils arising from an interference with existing habits, feelings, and modes of thought, and for the counteraction to which their measures will be thus exposed. They consider society, it is said, as a mere subject of experiment, which, like a dead body under the knife of the surgeon, or like a metal in the chemist's laboratory, is devoid of sensation.([40]) Or, again, it is said they look upon human beings as mere pieces upon a chess-board, who can be moved about at the will of the lawgiver, and will assume, impassively, any position which he may think fit to give them. They appear to think that civil government is like a military parade, and that the population of a state will, at the word of command, fall into their ranks, and

(39) 'There are (says Mr. Stewart) among the men who are accustomed to the exercise of their intellectual powers two classes, whose habits of thought are remarkably distinguished from each other; the one class comprehending what we commonly call men of business, or, more properly, men of detail; the other, men of abstraction—or, in other words, philosophers.' He proceeds to explain the characteristic mental habits of these two classes respectively.'—*Elements of the Philosophy of the Human Mind*, vol. i. ch. 4, sect. 7.

(40) 'Il agissait comme un chirurgien qui opère sur les cadavres, et il ne songeait pas qu'il opérait sur des êtres sensibles: il ne voyait que les choses, et ne s'occupait pas assez des personnes. Cette apparente dureté avait pour principe la pureté de son âme, qui lui peignait les hommes comme animés d'un désir égal du bien public, ou comme des fripons, qui ne méritaient aucun ménagement.'—Judgment upon Turgot, quoted by Blanqui, *Histoire de l'Economie Politique*, tom. ii. p. 108.

Mercier de la Rivière was an example of a rash theorist, attempting legislation in ignorance of the facts.—Say, *Cours d'Ec. Pol.* tom. i. p. 51.

Necker, says M. Granier de Cassagnac, 'demeura persuadé jusqu'au dernier moment que les hommes se laissaient manier dans la politique comme les idées dans les systèmes de la philosophie.'—*Hist. des Causes de la Rev. Franç.* tom. i. p. 20. 'Vivre dans un cabinet, étudier des livres, comparer des idées, bâtir des systèmes, organiser des mondes dans ce champ sans limite des hypothèses—c'est faire, non pas même de la philosophie, mais de l'idéologie. Vivre au milieu des hommes, épier leurs penchants, écouter leurs plaintes, apprécier leurs désirs, mesurer leurs besoins, et les guider vers ce qui est moral, juste, et utile, dans la limite de ce que rendent possible leur intelligence, leur force, et même leur faiblesse,—c'est faire de la politique.'—*Ib.* p. 515. Compare also the remarks on Sièyes, (tom. ii. p. 340,) who lays it down that social mechanism must be analysed like an ordinary machine.

execute the various movements prescribed to them with the promptitude, uniformity, and unhesitating obedience of well-drilled soldiers.

The practical error which has just been pointed out is not peculiar to philosophical and speculative reformers. It is shared by all political fanatics, by all men who have a panacea for the state, by all eager party-leaders and promoters of revolutionary plans. If the day-dreamer in his closet—if the philanthropic contriver of Utopias, is subject to this delusion, on the other hand the headlong man of action, who believes that he can regenerate the world by the enforcement of some novel principle, which he cherishes with the blind and intolerant enthusiasm of a religious zealot, is equally under its influence. Persons of both these classes are prone to believe that a community of men are, to the politician, like clay under the potter's hand, whereas habit has often hardened them into a definite form, having the consistency of stone; or that, like the insentient materials with which the architect operates, they can be built up into a new edifice, arranged according to a uniform and coherent plan. Idealists of both these sorts assume the existence of a simplicity of relations, and a ductility of matter, which do not exist in any real community. Above all, they overlook the very obvious fact, that ideal plans are difficult of realization in proportion to their extent. It is one thing to propose an ideal law, and another thing to attempt to establish an ideal constitution, or an ideal state of perpetual peace.

The tendency to this error is to be avoided by a reference to such considerations as have been adverted to in this chapter, showing the deductions to which political theory is subject in practice, on account of existing usage. The attentive perusal of history, personal observation of the working of contemporary political measures, or personal experience in the conduct of public affairs, likewise serve as correctives. For example, the spectator of a review of soldiers may believe, when he sees their uniform dress and armour, and their mechanically true movements, that an army is to be governed like a machine. But if

he is employed in any post of military command, he will soon find that an army is, like a state, composed of sentient beings, and that a sudden and uncalled-for interference with the established habits of the men, and with the customs and practice of the service, is as likely to produce a mutiny, as a similar interference in the commonwealth is likely to produce an insurrection.

Critical periods, indeed, arise in the history of nations, when usage furnishes no guide to legislation, when new institutions must be created, and a new political system must be established—when all the materials of government must be put into the crucible, and re-cast. Such turns in human affairs occur, when an existing government has been overthrown by a successful revolutionary movement—when a dependent province has established its independence by force of arms, or an independent state has been conquered, and its territory permanently annexed to the territory of the conquering state. Political hurricanes of this kind sweep away existing institutions from the face of the country, and overwhelm, for a time, the habits which have either produced or grown out of them. A necessity then arises for a new machinery of government, and the statesman must organize everything *de novo*. At such a moment, abstinence from decisive action, and a recourse to a gradual and temporizing policy, would be as ill-timed, as if a general in the face of the enemy, in the open field, were to employ the dilatory operations of a blockade. Modern instances of occasions of this sort are furnished by the independence of the American colonies, and by the separation of Belgium from Holland, and of Greece from the Turkish empire. In each of these cases, a country, previously dependent, found itself in a state of independence, and required the formation of a new government. In the United States, the existing institutions were adapted, with the fewest possible changes, to the new state of things. The exigency of the case was met with the smallest possible amount of innovation, and the existing materials were, as far as possible, worked up into the new building which it was necessary to erect. The old subordinate colonial governments were somewhat strengthened and enlarged,

while the federal council, which had been formed for the temporary purpose of the war, received a more perfect organization, and was converted into a permanent federal government.(41) Belgium and Greece did not possess any popular provincial institutions which admitted of being used as the framework of an independent government: their governments were accordingly created out of nothing; but, in order to assimilate them to the political atmosphere of Europe, they were formed upon the European model of a parliamentary constitution, presided over by a limited king.

When the government of an independent state is forcibly overthrown by a sudden revolution, as that of England during the civil war, that of France at various times since 1789, and as frequently happened in the ancient republics, and in the Italian republics of the middle age, there is a similar necessity for speedy action, and a new government must be run up for the moment, which, indeed, like a temporary building constructed in a hurry, is seldom formed of solid and durable materials.

When a government exists—and there is no necessity for

(41) Compare, on this subject, the remarks of Mr. Madison (in the *Federalist*, No. 14), who, in 1788, thus addresses the Americans: 'Hearken not to the voice which petulantly tells you that the form of government recommended for your adoption is a novelty in the political world; that it has never yet had a place in the theories of the wildest projectors; that it rashly attempts what it is impossible to accomplish. Why is the experiment of an extended republic to be rejected, merely because it may comprise what is new? Is it not the glory of the people of America, that whilst they have paid a decent regard to the opinions of former times and other nations, they have not suffered a blind veneration for antiquity, for custom, or for names, to overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience? . . . Had no important step been taken by the leaders of the revolution for which a precedent could not be discovered—no government established of which an exact model did not present itself, the people of the United States might at this moment have been numbered among the melancholy victims of misguided counsels. Happily for America—happily, we trust, for the whole human race, they pursued a new and more noble course. They accomplished a revolution which has no parallel in the annals of human society: they reared the fabrics of government which have no model on the face of the globe.'

'What custom wills in all things, should we do it,
The dust on antique time would lie unswept,
And mountainous error be too highly heapt,
For truth to o'erpeer.' *Coriolanus*, act ii.

creating a new government where none existed before—political changes which are gradual, which advance, not by a rapid onset, but step by step—which proceed with a constant reference to the existing habits and feelings of the people, are the most lasting and beneficial.(42) Even in provinces which are annexed to another state, and in which the necessity for creating a new administrative system hence arises, it has been found that the connexion with the paramount power has been most permanent, when the changes introduced have been limited to measures indispensable for maintaining the dependence of the province, and have not interfered with the native customs and usages, beyond the extent which the establishment of the imperial rule demanded.(43) With respect to the political reforms introduced in independent states, the advantage of considering established habits, and of allowing for their disturbing action in all new measures, is still more apparent. Hence the recognition of such political maxims as 'Stare super antiquas vias,' 'Quieta non movere:' and hence

(42) 'It is true that what is settled by custom, though it be not good, yet at least it is fit, and those things which have long gone together are, as it were, confederate within themselves; whereas new things piece not so well; but, though they help by their utility, yet they trouble by their inconformity: besides, they are like strangers, more admired and less favoured. All this is true, if time stood still; which, contrariwise, moveth so round, that a froward retention of custom is as turbulent a thing as an innovation; and they that reverence too much old times, are but a scorn to the new. It were good, therefore, that men in their innovations would follow the example of time itself, which indeed innovateth greatly, but quietly, and by degrees scarce to be perceived. It is good also not to try experiments in states, except the necessity be urgent, or the utility evident; and well to beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation.' Lord Bacon, *Essay on Innovations*. Compare the article 'Innovatio,' No. 40 of the antitheta, in the sixth book, *De Augmentis*, vol. viii. p. 375.

'The noblest and most salutary forms and institutions, whether in civil or moral societies, when bequeathed from generation to generation, after the lapse of centuries will prove defective. However exquisitely fit they may have been, when they were first framed, it would be necessary that the vital power in states and churches should act instinctively, and evince a faculty of perpetually adapting itself to the occasion, as the ship Argo did when it spoke, if such a fitness is to last. As it is, they either continue without any outward alteration, and then are only the more certain of becoming a mere lifeless shell—or they are gradually developed and transformed, during which process their original purpose is usually little thought of, and often totally misunderstood.'—Niebuhr, *History of Rome*, vol. i. p. 622.

(43) See Machiavel, *Principe*, c. 3, 5, 6.

men of action, who have been placed in positions where the creation of a new government was necessary, have sought to disguise the extent of their changes by retaining the names and forms of the old institutions—by performing a process similar to that which the metaphysical theology of the church of Rome teaches to take place in the miracle of transubstantiation, viz. that the internal and unseen substance is transmuted, while the external and visible qualities of the elements remain unchanged.(44) Augustus Cæsar, as is well known, adopted this policy in making the transition from the republican to the monarchical government of Rome; and Napoleon followed it, in some particulars, for effacing the remains of the revolutionary government in France. Obstacles, at first apparently insuperable, can be conquered by delay. Objections are gradually softened by an experience of the actual effects of a partial change. Even an individual has rarely the hardihood and resolution to break through a bad habit by a single effort; in general, he discontinues it by slow gradations—he weans himself from the beverage, by continually taking smaller draughts at longer intervals.(45) Bodies of men, and entire nations, are still less

(44) Machiavel, in his *Discorsi*, i. 25, lays it down, that he who wishes to reform an ancient state into a free city ought to retain at least the shadow of the ancient institutions. Men, he says, are affected as much by appearances as by realities; sometimes even more by appearances. Hence the Romans, when they had abolished their royal government, divided the same number of lictors between the two consuls as the king alone had previously possessed; and they established an officer of high rank, entitled *Rex Sacrificulus*, and assigned to him certain sacrifices. This example, he proceeds, should be followed by all who wish to introduce free institutions in a state. Things, new in substance, should preserve their ancient forms; and if the number and powers of magistrates are altered, their name at least should be retained. See above, ch. iv. § 3.

(45) See Bacon, *Essay* 38, 'Of Nature in Men.'

'Difficilius desuescere est quam assuescere.'
Jani Anysii Sent. v. 196.

'Sed meliore fide paulatim extinguitur ignis,
Quam subito: lente desine: tutus eris.
Flumine perpetuo torrens solet acrius ire,
Sed tamen hæc brevis est, illa perennis aqua.
Fallat, et in tenues evanidus exeat auras,
Perque gradus molles emoriatur amor.'
Ovid, *Rem. Am.* 649-54.

prone to make abrupt changes: out of a number of men, the great majority will be attached to ancient habits, and will cling tenaciously to national customs. A nation, however, like an individual, may be induced to overcome its repugnance, by trying a slight degree, or a small amount, as the fears and dislikes of children are removed by leading them on from one point to another. In this manner, deep-rooted habits may be overcome, and a nation may be trained to a novel course. A fort which has resisted an assault may be carried by slow approaches and lines of circumvallation.

Capta vides sero Pergama, capta tamen.

Moreover, the hostility to an existing law is sometimes the result of a temporary sentiment, or of a transient impulse, so that when the new law has been introduced, and has been for a short time in operation, it has to encounter not only the difficulty arising from a change of habits, but also that arising from a collapse of feeling.(46) Hence there is a revulsion of popular opinion to the old state of things: thus, when the gusts of popular fury which cause revolutions are overpast, the traditionary national sentiments and usages rear their heads, and reassert their former, though temporarily-suspended power.

The habits which impede the action of new laws are not always common to the entire nation, but may be confined to a particular section of the community. Whenever it happens that a class of persons who have formed habits of acquired skill in any department of profitable labour will find the demand for their services diminished, or the produce of their industry displaced, by a new legislative measure, their hostility to it may be calculated on with certainty, and their resistance may be taken as a steady counteracting force. They cannot easily turn their hands to a new employment: their acquired skill becomes, like

(46) 'In other things, the predominancy of custom is everywhere visible; inasmuch as a man would wonder to hear men profess, protest, engage, give great words, and then do just as they have done before, as if they were dead images and engines, moved only by the wheels of custom.'—Lord Bacon, *Essay* 39, 'Of Custom and Education.'

capital invested in a losing trade, devoid of value. The services which formerly produced a return are no longer in demand. It is for the interest of society that skilled habits thus formed should not be an impediment to measures which tend to the general good of the community, and that no new class of persons, similarly situated, should grow up. With regard to the existing class, their loss (like the loss incurred under similar circumstances by the owners of property) may sometimes be made the subject of compensation, as when soldiers and sailors, at the close of a war, are discharged with a pension.

§ 10 We have now illustrated the ways in which the universality of theorems in politics is circumscribed when they come to be applied in practice, and we have shown that the necessity for narrowing and specializing their import sometimes arises from accidental variations in the subject itself, sometimes from external causes, disturbing its natural operation. It ought now to be added, that universal theories require always to be modified by theories of limited application, whenever such exist. We have already shown,(47) that the peculiarities of each nation demand a limitation of the practical maxims applicable to it: there are theorems which are true of communities having certain manners, religion, opinions, and standing at a certain degree in the scale of civilization, and which are not true of other communities, differing in these respects. These *axiomata media* (to use Bacon's expression),(48) which are neither so abstract as propositions applicable to mankind at large, nor so special as to be confined to a single case, are of great utility in political practice. When they have been formed, the prudent politician will use them, in preference to maxims relating to human nature in general: when they have not been formed, he will endeavour, before he uses such unlimited maxims, to reduce them to the dimensions of his own age and country.

§ 11 It results from the preceding inquiry, that the application of theory to practice is a process consisting of two distinct

(47) Above, ch. xvi. (48) *Nov. Org.* i. 104.

stages; first, the conversion of theorems into maxims, and, secondly, the application of the maxims to actual cases. Both these stages are subject to their appropriate errors—an unsound maxim may be formed from a true theorem; a sound maxim may be incorrectly used in practice. Precepts may be formed from theoretical propositions which the theorist never intended to suggest, and which he would have disapproved if they had been presented to him. Again, practical politicians may apply general maxims without the requisite corrections and limitations, and may thus arrive at wrong practical results, although the maxims were well-framed, with respect to the ordinary and average state of things.

Politics, like other departments of human knowledge, both mental and physical, have not escaped the dominion of false theories. In the various branches of government, in civil and criminal law, in judicature, in taxation, in economical and commercial subjects, false theories have abounded, and have often been received with general assent. Upon these false theories numerous maxims have been founded, which have guided the discretion of monarchs, statesmen, and parliaments, and have governed the most important legislative and administrative acts. Not unfrequently, however, theorists have been unjustly censured for maxims, which have been incorrectly deduced by others from their abstract principles, by writers who wished to give them a preceptive form. Still more often have they been unfairly blamed, when this conversion has been hastily and crudely performed, on the spur of the moment, by practical men, without a due comparison of the elements involved in the theory, and those present in the actual case. The theorist cannot be held responsible for the want of caution, or practical skill, or logical acumen, or knowledge of facts, which may be exhibited in the application of his theories. He places a certain instrument in the hands of the practician, but is not answerable for the manner in which it may be used. He can neither foresee the cases to which his general propositions may be applied, nor control the persons who apply them. Even when sound maxims have been formed out of theories, they may

be misapplied. The rules of the art of arithmetic are sound and scientific, but they do not guarantee the unskilful or careless accountant against errors of computation.

Hence we see that the practical man who applies a theory, and then complains of its falsity, may be himself the author of the error which he condemns. His application may be made without a proper allowance for the generality of scientific expression, and for the necessity of taking account of the facts neglected in the theory, but present in the actual case. The maxim has been deduced from the theoretic principle without due limitation and correction, and the result obtained by the combination of such maxim with the particular case is consequently erroneous. But this error must be imputed to the framer of the practical syllogism, and of the maxim, which serves as its major premise—not to the theorist, who merely laid down an abstract truth.

Chapter XXI.

ON PRACTICAL EXAMPLES, AND REAL MODELS, IN POLITICS.

§ 1 WE have already remarked, that the art of politics may convey its lessons, not only by general maxims or precepts, but also by selecting certain models, and holding them up for imitation. These models—like the models in a school of design—may be either real or ideal: they may be either actually existing objects, or they may be ideal works conceived and executed by an artist. In either sort of models—whether they be real or ideal—the subject recommended for imitation is individual; but it is generalized in the imitation, by being proposed as a type, which many persons endeavour to copy. In this way, a single object, used as a model, obtains the force of a general precept. Identical copies of the same original are multiplied, instead of numerous cases being brought under the same rule.

Before, therefore, we can complete our survey of the art of politics, we must investigate that mode of political reasoning, which consists in the imitation of real and ideal models for practical purposes, and attempt to ascertain the conditions for its proper conduct. For the present, we shall confine ourselves to the former class.

§ 2 The field of politics, like other departments of human knowledge, has been the subject of much unsound theory. Where the space was so vast, the facts to be ascertained so numerous, the survey so comprehensive, the passions and the interests involved so powerful and active, it was inevitable that many rash and unsuccessful attempts at theory would be made, before scientific truth could be determined. All the methods for the investigation of causation in politics, and for the establishment of general truths, which have been indicated in this treatise, have been violated by different theorists. It was not to

be expected, when every branch of human science, as well physical as mental, has been tainted with unsound speculation—when there have been false theories in astronomy, mechanics, optics, hydrostatics, chemistry, physiology and medicine, not less than in metaphysics and ethics, that politics alone should escape.

The wildness of many political theories, together with the absence of due caution in their conversion into maxims of conduct, and in their practical application, has created a fear and distrust of all scientific generalities,(1) and has induced practical politicians to resort in preference to the direct argument from experience. Hence, the persons engaged in political action, and in the contemporary political discussion, fall generally into two classes, the former consisting of those who hold some body of doctrine or theoretical principles, or rationale, with respect to the measures which they promote (called by the French, *doctrinaires*), the latter proclaiming no set of theoretical principles, but professing to be guided exclusively by experience, and calling themselves *practical men*. These two classes correspond with the two sects of the *Dogmatici* or *Rationales*, and the *Empirici*, in the ancient schools of medicine.(2) The *Dogmatici* did not reject the lessons of experience, though they held that modes of treatment must be founded on some intelligent design;(3) but

(1) 'In all matters of taste and criticism (says Mr. Payne Knight), general rules appear to me to be, *like general theories in government and politics*, never safe but where they are useless; that is, in cases previously proved by experience. A rule implies a general negation; and so limited and uncertain is human knowledge, in all subjects of this kind, that it never can reach every possible case, nor make any general assertion which will not be liable to many exceptions.'—*On the Principles of Taste*, part ii. ch. 2, § 109, 110.

(2) Concerning these two sects, see Celsus *de Med.* præf. ad lib. i. Compare Sprengel, *Geschichte der Arzneikunde*, vol. i. p. 428, 610. Gregory, in his *Conspectus Medicinæ Theoreticæ*, generalizes the distinction: 'Medici vero est, cognitâ naturâ et causâ morbi, judicare quid mutationis requiratur, ut morbus in sanitatem mutetur. Hæc quidem est medicina rationalis sive Dogmatica. Est et altera, Empirica nimirum, quæ, missis hujusmodi ambagibus, sola remedia quærit et profert certâ et definitâ vi prædita ad certos morbos delendos.'—§ 72. See above, ch. vi. § 10.

(3) 'Neque vero inficiantur experimenta quoque esse necessaria; sed ne ad hæc quidem aditum fieri potuisse, nisi ab aliquâ ratione, contendunt.' —Celsus, *ib.*

they maintained that a knowledge of the causes of disease, and of the bodily functions, was necessary for the art of medicine. The *Empirici*, on the other hand, repudiated all inquiry into the causes of disease which were not apparent upon the surface; they professed to be guided solely by the experience of modes of treatment which had been made the subject of actual trial and experiment, and they sought no other guide for medical practice than the success or failure of former remedies. Hence they excluded anatomy, physiology, and pathology from their course of medical studies,(4) confining themselves to an empirical treatment of therapeutics. This view of medical science has descended to modern times: since the renovation of medicine, there has, on account of the abuse of theory, been often a tendency to a close and servile adherence to the results of mere experience, and the medical art has run the risk of degenerating into a mere study of materia medica and remedies,(5) a tendency which

(4) Dr. Greenhill, in his article on the Empirici, in Dr. Smith's *Dict. of Gr. and Rom. Antiquities*, remarks that 'their rejection of anatomy, physiology, and pathology as useless studies would of course (at least in the opinion of modern physicians), prevent their ever attaining any higher rank than that of clever experimentalists, though it must not be denied that materia medica is indebted to them for many valuable drugs.'

(5) 'Non est dissimulandum, theoriæ medicæ scriptores hominum patientiâ multum abusos esse, et sibi aliisque nuper et olim miris ineptiis imposuisse. Hinc factum est, non prorsus sine rationis specie, ut multis, cum medicorum, tum aliorum hominum, persuasum sit, omnem theoriam medicam prorsus vanam et futilem esse, et non modo non prodesse, sed revera multum nocere, animum nempe a verâ notitiâ, quæ solâ, ut volunt, experientiâ discatur, fictâ scientiâ avocando. Parum certe medici profecerunt hactenus, et parum, ni fallor, profecturi sunt in posterum, qui, nullâ adhibitâ ratiocinatione, solâ experientiâ semet occupaverint. Plurimas res novas hoc modo facile didicisse potuerint, sed sibi aliisque pariter inutiles, nec unquam scientiam medicam provecturas; scilicet quarum rationem, et ad usum medicum accommodationem, ignotas esse oporteret. Aliud vero vitium, ab hoc omnino diversum, et ex diverso prorsus fonte derivatum, medicinam nunc corrumpit, graviusque, ut opinor, periculum minitatur. Rejectâ auctoritate, rejectâ fere omni ratiocinatione atque doctrinâ, medici tandem artem salutiferam augere et locupletare susceperunt, solis observationibus et experimentis quorum nullum esset dubium. Hinc credula fides, et insana admiratio medicamentorum, quotquot vel ipse deceptus, vel alios decipere cupiens, quisquam in medium proferret, summisque laudibus tolleret, et audacter assereret certo certis morbis remedio fuisse.'—*Conspect. Med. Theoret.* introd. pp. xvii. xxv. xxxix.; ed. 10, 1836.

'With every advance in pathological science will the art of therapeutics lose its merely *empirical* character, and become more and more *rational;* that is, the rules laid down for the treatment of disease will be less and

has, doubtless, been promoted by a misconception of the Baconian precepts respecting experience. Bacon, however, in placing science on the basis of experience, intended not to narrow, but to strengthen its foundation. He wished not to diminish the extent of the edifice, but to build it on the solid rock. Accordingly, he points out distinctly the error of those who rely on a mere accumulation of particulars, and grope their way by a blind empiricism. The following is his aphorism on the respective errors of the doctrinal and empirical schools: 'Qui tractaverunt scientias, aut Empirici aut Dogmatici fuerunt. Empirici, formicæ more, congerunt tantum, et utuntur: Rationales, aranearum more, telas ex se conficiunt: apis vero ratio media est, quæ materiam ex floribus horti et agri elicit; sed tamen eam propriâ facultate vertit et digerit.'(6)

Bacon's meaning is not the less clearly conveyed, for being couched in the figurative comparison of the ant, the spider, and the bee. Under the image of the ant, he condemns the mere collection of facts, applied nakedly and directly by the observer: under the image of the spider, he condemns the speculator, who spins cobweb theories out of his own brain, without checking them by the evidence of facts, and confronting them with the results of experience. By the example of the bee, he recommends that mixed process, which consists first in the discriminating selection of facts, and next in the conversion and elaboration of these facts into a systematic doctrine.

The feeling of the multitude towards superior knowledge and

less founded upon the results of a limited experience as to the efficacy of particular remedies in removing certain abnormal phenomena; and will have reference more and more to the nature of the morbid action which is indicated by the symptoms.'—Carpenter's *Human Physiology*, p. 3.

(6) *Nov. Org.* i. 95. The same passage, with a few trifling verbal variations, occurs in the *Cogitata et Visa*, vol. x. p. 499, and in the *Redargutio Philosophiarum*, vol. xi. p. 474-5. In the Apophthegms, No. 21, it appears in this form: 'He likewise often used this comparison: the Empirical philosophers are like to pismires—they only lay up, and use their store. The Rationalists are like to spiders—they spin all out of their own bowels. But give me a philosopher, who, like the bee, hath a middle faculty, gathering from abroad, but digesting that which is gathered by his own virtue.'—vol. i. p. 415.

intelligence has been well described as a mixture of admiration and dislike.(7) There is a sense of intellectual power, combined with a belief that it is used for a dangerous purpose, and in a forbidden manner. This repugnance is, with respect to contemporaries, often strengthened by a feeling of envy; but the latter sentiment is, with respect to the great thinkers of a former age, sometimes replaced by a blind submission of the judgment.

In the earlier periods of the Greek philosophy, the speculators upon nature were the main objects of popular apprehension and antipathy. As compared with modern times, physics had made less progress among the ancients, and was cultivated by them with less success, than logic, ethics, and politics.(8) In modern philosophy, this relation is reversed. The uncertainty and obscurity which the ancients found in physics, are now universally considered as characteristic rather of the moral and political sciences. But besides the greater certainty and solidity of the physical sciences in modern times, their subjects remove them further from the business and interests of life; and as the pursuit of them is no longer considered an impious intrusion into the secrets of nature, or an attempt to supplant the direct divine agency by mechanical causes, they neither excite the alarm, nor offend the feelings of the multitude. For these various reasons, the successful investigator of nature is, in modern times, the

(7) See Grote's *Hist. of Gr.* vol. viii. p. 481.

(8) 'Quoniam philosophia in tres partes est tributa, *in naturæ obscuritatem*, in disserendi subtilitatem, in vitam atque mores; duo illa relinquamus, atque largiamur inertiæ nostræ,' &c.—Cic. *de Orat.* i. 15. As to the uncertainty of physics, according to the views of the ancients, see the long passage of Cicero, *Acad.* ii. 39-41; also, Minucius Felix, c. 5. Compare Ritter, *Gesch. der Philos.* vol. iv. p. 125; Grote, *ib.* vol. viii. p. 569-73, 596-8.

Upon the division of sciences into certain and uncertain, see Abercrombie's *Inquiries concerning the Intellectual Powers*, p. 16-20. He lays it down that we easily attain to certainty in the purely physical sciences, or those in which we have to deal only with inanimate matter. M. C. Comte (*Traité de Législation*, liv. i. c. 1) lays it down that the moral and political are inferior in certainty to the physical sciences, and explains the causes of the inferiority. Compare the remarks of M. Guizot, *Hist. de la Civilisation en France*, leçon 4, who remarks, with truth, that although the moral are inferior to the physical sciences in precision, they are not inferior in certainty.

object of admiration and esteem, while the moral and political philosopher is, if his opinions depart from those of his age and country, generally regarded with disfavour and dislike. Kepler and Galileo are gratefully enumerated among the teachers of mankind. Newton is never named but with reverence; while Adam Smith and Malthus have been denounced by the popular voice as mischievous sophists, who distort truth and inculcate error.

Not the least forward in promoting the aversion for political theory, and in resisting its application to practice, are statesmen and practical politicians. They often act on the maxims of the Empiric school of medicine: they profess to eschew all systematic doctrine, and to steer their course simply by the light of experience. Now those who guide themselves in practice by experience rely in general upon *precedents*; that is to say, they argue directly from one actual case to another, without laying down, in express terms, the principle which serves to connect them. This mode of reasoning is perfectly legitimate, if it is kept within proper bounds, and is not used to the exclusion of theory. We will, therefore, now try to ascertain what is the proper use of precedents in politics, and how they may be combined with general maxims in practical reasoning.

§ 3 The argument from a precedent consists in the juxtaposition of two actual cases, the case which has formerly happened constituting the precedent, and the case under consideration being that upon which the practical decision is to be made. Every precedent contains a number of circumstances which are not similar to the circumstances of the case in hand. Where a parallelism between two cases is discerned, the immaterial facts are to be rejected, and attention is to be paid merely to the material facts. Much knowledge of the subject-matter, and much sagacity, are necessary for disentangling the facts of each case—for winnowing the chaff from the corn—for separating the husk from the kernel. When this process has been performed, an analogy between the two cases is perceptible, an analogy dependent on their common relation to a general principle, which

was tacitly assumed in the first case, and is tacitly applied to the other. When the selection of the previous case is happily made —when its correspondence with the case in hand is shown by pruning away from each the immaterial circumstances, and comparing together the nucleus of each which remains,—then it is said that the precedent is apposite, that the case is in point, that it is relevant to the question under deliberation.

The argument from precedents or examples is sometimes used to establish a general conclusion. When so used, it serves as the foundation of an inductive argument, the cases adduced being taken as specimens or samples of the entire class, which justify the inferential extension. Nothing is more common than to enforce a practical maxim by actual cases or examples, as in Johnson's *Vanity of Human Wishes*:

> What gave great Villiers to th' assassin's knife,
> And fixed disease on Harley's closing life?
> What murdered Wentworth, and what exiled Hyde,
> By kings protected, and to kings allied?
> What, but their wish indulged in courts to shine,
> And power too great to keep, or to resign?

Here the last couplet contains the general lesson which the moralist teaches. In the next verses it precedes the examples:

> There mark what ills the scholar's life assail,
> Toil, envy, want, the patron, and the gaol.
> See nations, slowly wise, and meanly just,
> To buried merit raise the tardy bust.
> If dreams yet flatter, once again attend;
> Hear Lydiat's life, and Galileo's end.

In the following passage, again, the folly of an excessive care for beauty is implied by examples, but not expressed:

> The teeming mother, anxious for her race,
> Begs for each birth the fortune of a face;
> Yet Vane could tell what ills from beauty spring,
> And Sedley cursed the form that pleased a king.

Such arguments from example as these have no immediate reference to action; they serve, indeed, to establish a maxim or rule of conduct, but they are merely a form of the inductive argument, which leads from one or more singulars to a general

conclusion, and there stops. The argument from precedent, however, as employed in political practice, always has an immediate reference to action, and bears upon some actual case. Its essence is, that something which some person or persons did formerly, is alleged as a reason why some person or persons should do the same at present.(9) This reason rests upon a principle which forms the intermediate link between the two cases. In all valid arguments from example, as Archbishop Whately has properly remarked,(10) such a connecting principle must exist, though it is not always expressed. It is impossible to argue directly from one singular to another, without implying some general principle, which serves as their bond of union. Not unfrequently, in practical reasonings, this intermediate principle, which the precedents are adduced to establish, is formally stated and proved before it is applied to the case under discussion. Such is often done when precedents are alleged to prove the existence of a custom, a practice, a uniform or predominant habit, or a course of business or dealing. The continuous acts of wise, experienced, or successful men, whose conduct is recognised as constituting authority, may likewise be appealed to as evidencing an intelligent habit, and proving the policy of a certain practical maxim.

In legal argument, precedents are adduced for the purpose of establishing the fact, that a certain rule of law, or construction of a statute, has been recognised in the administration of justice, and this proposition is stated before it is applied to the case in litigation. A similar mode of reasoning is likewise adopted in questions of international law; and, indeed, it is chiefly by precedents, constituting an accumulated usage, that rules of international law can be proved; for international law has no written statutes, and treaties between independent nations only supply imperfectly the absence of a written code.

(9) 'Utilissimus idem ac brevissimus bonarum malarumque rerum delectus est, cogitare, quid aut volueris sub alio principe aut nolueris.'—Tacit. *Hist.* i. 16.

(10) *Elements of Rhetoric*, part i. ch. 2, § 6.

§ 4 In ordinary political discussion, however, with respect to questions of concrete expediency, it is usual to cite precedents, without a distinct statement of the principle which they involve, and to apply them directly to the actual case in debate. The perception of this principle, which is necessary for the due combination of the two cases, but without a power of giving it an articulate form, and expressing it in distinct words, is called practical tact, or sagacity.(11) The principle, however, must admit of being stated; and if the relevancy of the example is challenged, it can only be defended by enouncing the principle which it involves, and demonstrating the applicability of this principle to the case in hand.

The examples of the Ninevites, and the Queen of Sheba, which are cited in the gospel as admonitions to the unrepenting Jews, are practical precedents, in which the argument is direct from one actual case to another.

'The men of Nineveh shall rise in judgment with this generation, and shall condemn it: because they repented at the preaching of Jonas; and behold, a greater than Jonas is here.

'The queen of the south shall rise up in the judgment with this generation, and shall condemn it: for she came from the uttermost parts of the earth to hear the wisdom of Solomon; and behold, a greater than Solomon is here.'(12)

On the other hand, the parables of the gospel are merely illustrations: they are fictitious or imaginary cases, rendering a doctrine perspicuous by a striking analogy, as in the parable of the Sower, where the mode of eliminating the example, and of substituting a literal and unfigurative statement of the doctrine,

(11) The Greek terms for this quickness of apprehending material resemblances in matters of practice are *ἐυστοχία* and *ἀγχίνοια*. Aristotle distinguishes between *εὐϐουλία* and *εὐστοχία*. The latter, he says, is without reasoning (*i. e.* without conscious reasoning), and rapid; whereas deliberation is tardy.—*Eth. Nic.* vi. 10. In *Analyt. Post.* i. 34, he shows that *ἀγχίνοια* consists in the perception of middle terms; he there defines *ἀγχίνοια* to be *εὐστοχία τις ἐν ἀσκέπτῳ χρόνῳ τοῦ μέσου.*

(12) Matt. xii. 41, 42. See Luke, xi. 31, 32.

is expressly indicated.(13) The force of a precedent, however, consists in the very fact alleged; and if that fact is supposed not to exist, its logical value is destroyed.

In the argument from a practical example adduced by Aristotle, in his *Rhetoric*, the reasoning is from one actual case to another. He supposes the practical question to be, the policy of a Greek interference to prevent the king of Persia from conquering Egypt: now Darius, it might be said, did not invade Greece until he took Egypt, nor did Xerxes make his attempt until he had subdued the same country: hence it is to be inferred, that the existing king of Persia will attack Greece if he should get possession of Egypt: the Greeks ought, therefore, to prevent the occurrence of this event.(14) The same is the nature of the argument from practical example cited by Quintilian:(15) 'Dionysius asks the people to allow him a body guard. He makes this demand with a view of seizing the despotism; for Pisistratus became despot by obtaining a body guard.'

The *Discorsi* of Machiavel are a series of commentaries upon political examples chosen from Livy: the particular case furnishes the groundwork for a general maxim.(16) In other collections, such as the *Memorable Deeds and Sayings of Valerius Maximus,*

(13) Mark, iv. 2-20; Luke, viii. 4-18. Compare Matt. xiii. 24-30, 36-43. Other practical examples are called τύποι by St. Paul, 1 Cor. x. 6, 11.

(14) *Rhet.* ii. 20, 3.

(15) *Inst. Orat.* v. 11, § 8. Speaking of the Greek παράδειγμα, Quintilian says: 'Quo nomine et generaliter usi sunt in omni similium appositione, et specialiter in iis, quæ rerum gestarum auctoritate nituntur.'—*Ib.* § 1; afterward he adds: 'Potentissimum autem est inter ea, quæ sunt hujus generis, quod proprie vocamus exemplum, id est, rei gestæ, aut ut gestæ, utilis ad persuadendum id, quod intenderis, commemoratio.'—*Ib.* § 6. The technical Greek word for precedent is κρίσις, see Aristot. *Rhet.* i. 15, § 15; and Ernesti, *Lex. Techn. Gr.* in v. The technical Latin words are *præjudicium* and *auctoritas*, see Ernesti, *Lex. Techn. Lat.* in vv. The meaning of *præjudicium* is thus explained by Quintilian: 'Jam præjudiciorum vis omnis tribus in generibus versatur; rebus, quæ aliquando ex paribus caussis sunt judicatæ, quæ exempla rectius dicuntur judiciis ad ipsam caussam pertinentibus aut cum de eâdem caussâ pronuntiatum est.'—v. 2, § 1.

(16) On the advantages of discourses upon political examples, see Bacon, *Adv. of Learning*, vol. ii. p. 266; *De Augm. Scient.* vol. ix. p. 35. On the *Discorsi* of Machiavel, see Hallam, *Lit. of Eur.* vol. i. p. 561.

and the military compilations of Polyænus and Frontinus, the examples are given nakedly, without any expository comment or practical deduction.(17)

§ 5 Arguments from practical examples abound in deliberative oratory, as may be easily perceived upon an examination of the speeches delivered in ancient or modern assemblies. One reason for employing them is, that each country has a certain constitutional practice, certain usages and customs, a certain procedure in public affairs of its own, and reference is made to precedents for the purpose of preserving the continuity of that chain unbroken.(18) Hence, with respect to any political act which falls within this category, to pronounce it *unprecedented* or *unexampled* is to condemn it. Another reason is, that as no human society is motionless, there is a perpetual necessity of recurring to recent events and recent changes as a guide in practical conduct. All practical maxims, formed upon facts and theories of old standing, require a constant revision and control by the results of fresh experience. They require to be perpetually confronted with the new witnesses which are springing up, and claiming to be heard in the matter. The argument of precedents is excluded from all science relating both to nature and to man, but it pervades the whole realm of practice—wherever there is a question of action, it has place. It is thus employed not only in politics, but in medicine, war, education, agricul-

(17) The *Strategematics* of Frontinus contains a collection of examples of military practice in four books, intended for imitation. See præfatio to book i., where he says: 'Ita enim consilii quoque et providentiæ exemplis succincti duces erunt; unde illis excogitandi gerendique similia facultas nutriatur. Præterea continget, ne de eventu trepidet inventionis suæ, qui probatis eam experimentis comparabit.'

(18) Aristotle remarks that although, with the assistance of philosophic studies, fictitious examples can be easily invented, yet practical examples have the greatest weight in deliberation, inasmuch as the future for the most part resembles the present.—*Rhet.* ii. 20, § 7-8. In problem xviii. 3, he explains why examples are more used in public speaking than general arguments. Cicero likewise points out the importance of historical examples in deliberative oratory: 'Commemoratio autem antiquitatis, exemplorumque probatio summâ cum delectatione et auctoritatem orationi affert et fidem.'—*Orator*, c. 34. Books of geography are useful for legislation, because they contain the laws of different nations; while, for political deliberations, works of history are useful.—Aristot. *Rhet.* i. 4, § 12.

ture, manufactures, and, indeed, in all the useful arts. Wherever there is a progress or a decline—wherever existing habits, national customs, personal accidents, peculiarities of locality or climate, exercise an influence, practical examples of recent occurrence are important guides to conduct. Wherever there is a history, there is a necessity for attending to the successive crops of examples which each successive year produces. Without these precedents, the man of practice would be as incapable of discreet action, as the corn-merchant would be of supplying the market without the annual harvests. Aided by these appliances he is able, as time rolls on, and as new events change the relations of men and things, to verify his general maxims, and to supply the imperfections of science and art. Even in medicine, recent cases are useful, and guide the prudent and experienced physician. Some diseases have their history;(19) there is a rise and fall, a prevalence, a mitigation, and a suspension of diseases. All diseases, again, are influenced by local circumstances, and by the habits, diet, constitution, or race, of the people whom they affect. New modes of treatment are continually tried, and meet with various success. Hence the use of precedents, even in medicine, though man's body is less mutable, and less accessible to human influences, than his mind. In the useful arts, again, there is a necessity for perpetual reference to practical examples of a late date. Precedents borrowed from the rude and unimproved state of a manual art are worthless to the refined artificer of a civilized age. In like manner, precedents in military tactics, chosen from a period when the weapons were the spear, the sword, and the bow, would be in general inapplicable to the practice of war since the invention of gunpowder, and the perfection of artillery and fire-arms.

(19) Some diseases (as fevers) appear to be constant in their type, and to undergo no change in successive periods of time. Other diseases, however, have a rise, a culmination, and a declension. Some disappear altogether: others are suspended, and afterwards reappear. Such are various plagues—the small-pox, the sweating sickness, the cholera, and certain nervous affections, for which, see Hecker's *Epidemics of the Middle Ages*. Murrains or epizootic diseases in cattle, and the recent potato-disease in plants, are similar in their character. Compare ch. xviii. § 4.

§ 6 Hence Lord Bacon, speaking of legal precedents, remarks that those of an early period must be received with caution and discrimination, for that the course of ages alters many things, and what is ancient in respect of time, is novel in its disturbing effects, and its inconformity with existing circumstances. Accordingly, he lays it down that the more recent precedents are the safer; for why, he asks, should not that which has lately been done without inconvenience be done again? On the other hand, he remarks that recent precedents have less authority; improvement may sometimes be effected by a restoration of the past, and he therefore concludes in favour of precedents neither very recent nor very remote, or at least taken from an age resembling the present, which sometimes is to be found at a period not immediately antecedent.(20) Whenever recent practice is, as yet, ill established—when the successive acts have not acquired the consistency of a continuous custom, or when the consequences of the course of action have not been fully developed, new precedents are less instructive and less conclusive than those of a somewhat earlier date.(21) A precedent is at its maximum of proving force, when it is sufficiently near our own time to ensure similarity of circumstances, and sufficiently distant from it to ensure the consolidation of practice, and the experimental exhibition of the practical result of the case adduced.

(20) 'In exemplis, recentiora habenda sunt pro tutioribus. Quod enim paullo ante factum est, unde nullum sit secutum incommodum, quidni iterum repetatur? Sed tamen minus habent auctoritatis recentia; et si forte res in melius restitui opus sit, recentia exempla magis sæculum suum sapiunt quam rectam rationem.'

'At vetustiora exempla caute et cum delectu recipienda: decursus siquidem ætatis multa mutat, ut quod tempore videatur antiquum, id perturbatione et inconformitate ad præsentia sit plane novum. Medii itaque temporis exempla sunt optima, vel etiam talis temporis quod cum tempore currente plurimum conveniat; quod aliquando præstat tempus remotius magis quam in proximo.'—*De Augm. Scient.* lib. viii. aph. 23, 24. Aristotle, in treating of witnesses in his *Rhetoric*, points out the value of recent opinions delivered by persons of authority: *πρόσφατοι δὲ, ὅσοι γνώριμοί τι κεκρίκασι· χρήσιμοι γὰρ αἱ τούτων κρίσεις τοῖς περὶ τῶν αὐτῶν ἀμφισβητοῦσι.* —i. 15, § 15.

(21) Aristotle (Problem. xviii. 10) observes that men take most delight in hearing of events which are neither very ancient nor very recent: because they disbelieve the former class, and are familiar with the latter.

Precedents ought always to be chosen from a period of just authority—from a period whose example is appropriate to the present time. The importance of this caution is peculiarly perceptible in legal and constitutional matters. Legal precedents, taken from a period when justice was partial or venal, or when a court was filled with incompetent judges—constitutional precedents, taken from a period of arbitrary power or anarchy, would be of little value. Such examples, to use Lord Bacon's expression,(22) are the spurious progeny of time—not its legitimate offspring, having rights of hereditary descent.

Historical examples, when they are used to throw light on a practical case, must, in order to prove anything, be apposite. Their logical force depends on their appropriateness. Now, in order to decide upon the appropriateness of an example, it is necessary to understand *both* terms of the comparison. Before we can pronounce that the inference suggested by the comparison is a valid one, we must know what are the circumstances of both cases. Hence, great caution is requisite in the application of historical examples. It is dangerous to borrow a lesson from a remote state of society. Unless we have thoroughly analyzed the circumstances of the case, we are likely to misread the lesson which is contained in it. Examples drawn from ancient history, and applied crudely to modern practice, are peculiarly liable to error.(23) Thus, the importations of corn from the provinces, which undermined the agriculture of Italy, have been used as a warning against the repeal of the English corn-laws; whereas there is this essential difference between the

(22) 'Exempla a temporibus bonis et moderatis petenda sunt, non tyrannicis aut factiosis aut dissolutis. Hujusmodi exempla temporis partus spurii sunt, et magis nocent quam docent.'—*Ib.* aph. 22.

(23) 'To recal the examples of ancient and modern history for the imitation of future times, is a mode of instruction which, without proper limitations and precautions, will often be found highly dangerous. Such is the variety in human affairs, that in no two instances are the circumstances in all respects alike, and on that account experience, without principles, must ever be a fallacious guide. To close our eyes to the examples of past ages would, indeed, be absurd; but to regulate our conduct by them without bringing them to their proper test, would be still more so.' —Roscoe's *Leo X.* vol. iv. p. 156.

two cases, that the provincial corn was a tribute to the government, or purchased at the public cost, and was distributed gratuitously, or sold at a reduced price, to the pauper population of Rome, while the repeal of the English corn-law merely allowed the free importation of corn, but without providing for its gratuitous distribution. Again, the large landed estates under the Roman empire have been cited as an example to prove the evil of extensive holdings of land in a modern state, whereas the detriment which they produced in fact arose from the consolidation of small estates tilled by freemen, and their conversion into plantations cultivated by slaves. Under these circumstances, wealth produced depopulation;(24) but it would be a serious error to suppose that a wealthy landowner would use his estate in a similar manner in a country where slavery does not exist.

When the ancient French monarchy was swept away by the revolution of 1789, all connexion with the past was cut off, and the precedents of the former government were not only inadmissible as guides to action, but would rather have been quoted as warnings to dissuade. In this state of things, the leaders of the revolutionary movement fell back upon ancient, and especially Roman precedents, which were often quoted and applied in a manner perfectly puerile and inappropriate. The modern imitators of Brutus and Cassius bore about as much resemblance to the originals, as the heroes of Fenelon, in his *Télémaque*, bear to the heroes of the *Iliad* and *Odyssey*.(25)

Napoleon's plan of universal conquest was founded on a belief that he could revive the system of the Roman empire, and that he could reduce all the European kingdoms to French dependencies, similar to the Roman provinces. In order, however, to render this attempt practicable, it was necessary that

(24) ——— 'Fœcunda virorum
Paupertas fugitur.' Lucan, i. 165.

(25) The teaching of French history in schools was prohibited during the revolution: extracts from Greek and Roman history were alone permitted.—Granier de Cassagnac, *Hist. des Causes de la Rev. Fr.* tom. iii. p. 653. On one occasion, an order was issued that no other pieces should be represented at the Théâtre Français than tragedies upon Brutus, Caius Gracchus, and William Tell.—*Ib.* p. 656.

the conditions of the problem should be similar, and that the Germans, the Spaniards, the Russians, and the English, should stand to the French in the same relation in which the Libyan, the Iberian, and the Gallic tribes, as well as the Greeks, stood to the Romans, which was very far from the fact.[26] Thus, Bacon cautions us against supposing that we can do what other men, of different character and abilities, have done before us, and he illustrates his advice by the instance of Pompey, who was accustomed to exclaim: 'Sylla potuit, ego non potero,' whereas the one was of a violent and impetuous, the other of a grave and sober nature.[27]

Historical examples and precedents ought to be clear, authentic, and undisputed:

Nil agit exemplum, litem quod lite resolvit.

Not only must the parallelism of the cases be apparent, but the fact must rest on good testimony.[28] No two cases are similar in all their circumstances—it is therefore always necessary to establish the parallelism, by omitting what is immaterial to the subject in hand; but if this process is complex and doubtful, the argument from the precedent is weak. Allowance must likewise be made for the difference of the surrounding medium; and where an example is derived from a remote and dissimilar state of society, it requires a certain preliminary arrangement in order to adapt it to the service which it is made to perform.

(26) M. Comte (*Cours de Phil. Pos.* tom. vi. p. 392) condemns the error of representing war, in modern times, as an instrument of civilization, 'par un chimérique rajeunissement de l'antique politique Romaine.' Again, (in p. 428,) he speaks of 'cette grossière imitation rétrograde de la grande politique Romaine, que nous avons vue, en sens inverse, essentiellement destinée, *sous des conditions sociales radicalement opposées à celles du milieu moderne*, à comprimer partout, excepté chez un peuple unique, l'essor imminent de la vie militaire, que *cette vaine parodie* stimulerait, au contraire, simultanément chez des nations dès long-temps livrées à une activité éminemment pacifique.' Compare the author's remarks, in his *Essay on the Government of Dependencies*, p. 141.

(27) *De Augm. Sci.* vol. ix. p. 49.

(28) Quintilian (v. 2, § 2-4) enumerates the arguments by which precedents may be supported and impugned. See also Bacon (*ib.* aph. 27 and 28) on the faithful registration and contemporaneous publication of precedents, as securities against error.

Such examples, however, when duly prepared and illustrated, may become highly appropriate and instructive.(29)

In order that a precedent may be safely used, it is necessary that its circumstances should be completely known. Unless the statement of the case is full, we cannot be sure that material circumstances have not been omitted which affect the comparison, and render it inapplicable to the question under discussion. It is not, indeed, necessary that, in adducing the case as an example, we should recite all its circumstances; but unless we have the means of ascertaining them, and examining their bearings, we can never be confident that the precedent is rightly applied.

§ 7 Practical examples are in general positive, that is to say, they are alleged for the purpose of recommending some particular course, or of establishing some affirmative result. The case adduced is proposed for imitation. Sometimes, however, they are negative, and are held out as warnings against a course to be avoided. An example of the former kind illustrates by its resemblance; an example of the latter kind, by its contrast.(30) Negative precedents merely serve to deter from a wrong course —they do not point out the right course; and as rectitude is one, while error is infinite, they are less useful than positive precedents. Nevertheless, the lessons derived from the errors or the failures of others are important. Experimental trials, even when unsuccessful, afford instruction by being used as warnings. Like lighthouses, they admonish the uncertain mariner to steer away from the rocks and shallows. According to the proverb, 'Experience taught is better than bought:' and again, experience is said to be the mistress of fools.(31) A wise man learns what

(29) 'Exempla in consilium adhibentur, non utique jubent aut imperant. Igitur ita regantur, ut auctoritas præteriti temporis flectatur ad usum præsentis.'—*De Augm. Scient.* lib. viii, aph. 31.

(30) These two classes of historical examples are opposed to each other by Livy, in the following passage from the preface to his history: 'Hoc illud est præcipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in illustri posita monumento intueri: inde tibi tuæque reipublicæ, quod imitere, capias; inde fœdum inceptu, fœdum exitu, quod vites.'

(31) See Ray's *Proverbs*, p. 103; ed. 1768. The German version of

is to be avoided from the mistakes of others:(32) a wise statesman derives a similar lesson from the unsuccessful measures of his predecessors.

§ 8 Practical examples (as we have already said) are real models. The conduct of men formerly distinguished as rulers, statesmen, or warriors, serves as an exemplar and pattern to the present generation. Living men, likewise, in high stations, or at the head of parties, furnish real examples for the imitation of their contemporaries. Governments well constituted or well administered—good systems of municipal law, moderation and good faith in international affairs, also create actual patterns, which other nations may copy.

Real models have this great advantage, that they exhibit what has been done, and what, therefore, may be done again. They establish a standard manifestly attainable by human powers; they hold out to our imitation no impracticable paragon of ideal perfection. There is something peculiarly impressive in the reality of great excellence. Hence the proverb says, that 'example is better than precept.'(33) Every example, in fact, involves a general precept; if it did not, the example would prove nothing, and teach nothing. But the lesson is enforced by the contemplation of high qualities in real persons, subject with our-

this proverb is, 'Erfahrung ist der narren vernunft.'—Körte, *Sprichwörter*, No. 1157. Experience, in this proverb, means *personal* experience, or experience *bought*. The contrast between Prometheus and Epimetheus turns upon prescience and after-wisdom—the former founded on the experience of others, the latter on self-experience: *αὐτὰρ ὁ δεξάμενος ὅτε δὴ κακὸν εἶχ', ἐνόησεν*, says Hesiod of Epimetheus, *Op. et Di.* 89.

(32) 'Ex vitio alterius sapiens emendat suum.'
Publius Syrus, v. 212.

'Bonum est fugienda aspicere in alieno malo.'
Ib. v. 106.

Compare Hesiod, *Op.* 216, *παθὼν δέ τε νήπιος ἔγνω*, and the fable of the sick lion and the fox, Horat. *Ep.* i. 1, 73; Babrius, *Fab.* 103. The saying of Minucius, in Plut. (*Fab.* 13) represents it as impossible to be wise only by the failures of others.

(33) 'Excellentissimum est docendi genus exemplorum subditio.'
Varronis *Sentent.* v. 10.

'Optimum est sequi majores, recte si præcesserint.'
Publius Syrus, v. 847.

selves to the common infirmities of man's nature. In like manner, the exhibition of excellent political institutions, worked by a civilized population, in a reasonable and temperate spirit, encourages other nations to emulate this example. Model schools, model ships and regiments, model farms, may sometimes do more than the most forcible exhortations to improvement, while the pattern is still merely ideal. The scepticism of mankind as to possible improvement and further progress,(34) and the *vis inertiæ* which clings to existing mediocrity,(35) are most easily overcome by an appeal to a positive precedent—to an example of actual and practical success.

The imitation of a real model, the manner in which a single man is taken as the type of a certain set of qualities, or the government of a particular nation as the type of a certain political system, may be illustrated by the formation of general terms from proper names. Thus, the verb *to tantalize* alludes to the supposed punishment of Tantalus in hades; in the expressions, a *quixotic* enterprise, *Fabian* policy, *herculean* strength, and a *hectoring* fellow, the allusion is equally evident, though the latter is founded on a strange misapprehension of the character of the Homeric Hector. A *mercury* is a messenger, or even a newsman. In like manner, the names of particular buildings were generalized into class names, as *mausoleum*, *pharos*, *palace*, *chapel*, *bridewell*; the Valley of Gehinnom, the place where children were made to pass through the fire to Moloch, gave the name Gehenna to the place of posthumous torture, which word in French first signified torture generally, and afterwards any slight annoyance, bodily or mental (*gêne*.)

§ 9 Lord Bacon, in exhorting the world to the study of natural philosophy, calls attention to the fact, that civil institutions are limited to a single community, while the inventions of science and of the useful arts are common to the whole human race; that the former are transitory, while the latter are per-

(34) See Bacon, *Nov. Org.* i. 92; below, ch. xxvii. § 15.

(35) According to the French proverb, 'Le bien est l'ennemi du mieux.'

manent.(36) It is undoubtedly true, that the exertions of the inventor or improver of the mariner's compass, the printing-press, and the steam-engine, are more cosmopolitan and diffusive in their results, than the political reforms and improvements of a statesman, however beneficial these may be in his own country. At the same time it is to be borne in mind, that he who succeeds in producing an excellent political institution exercises an influence which extends beyond his own nation and age. The institution which he has created attracts attention and admiration by its successful working. Those who live under its operation, and therefore experience its benefits, extol its merits, and recommend it to the imitation of the world. It serves as a real model to other nations, particularly to those enjoying the same degree of civilization; and it may be safely affirmed that good political institutions will be propagated from one country to another, if not as rapidly, at least as surely, as inventions in the useful arts. Such institutions as roads, a government post, banks, hospitals, museums, &c., are copied by one country from another, not less than such inventions as clocks, coaches, or thermometers. If any one of the larger states of the ancient world —either of the Oriental or Hellenic civilization—had hit upon the contrivance of a representative government; if an Oriental state, instead of governing its provinces by satraps—if a conquering Greek republic, or Rome, or Carthage, had incorporated its dependencies with the paramount state by means of permanent elected representatives, there is no doubt that the system would have attracted attention; it would have been described by the historians, commented upon by the philosophers, and scrutinized and judged by the practical politicians. And if the system had been successfully worked in any instance, there would undoubtedly have been a disposition to imitate it in countries similarly situated. Nor is it true that the influence of a really

(36) 'Etenim inventorum beneficia ad universum genus humanum pertinere possunt; civilia ad certas tantummodo hominum sedes: hæc etiam non ultra paucas ætates durant; illa quasi perpetuis temporibus.'—*Nov. Org.* i. aph. 129.

valuable improvement in political subjects is necessarily obliterated by its extinction in the country where it originated. The Greek invention of government by a political body has been perpetuated by the civilized world, and has long survived the fall of the diminutive commonwealths in which it took its rise. Much of the Roman law, having been adopted and copied by the modern European states, is in force at present; and, although the Roman empire has long been dissolved, it remains as a living monument of the wisdom of Roman legislation and jurisprudence.(37)

§ 10 There is a difference in the mode of employing real models in politics, which is also observable in the employment of similar models in the useful arts. In the works of the useful arts, it sometimes happens that the demand of numerous persons for a given article is uniform—that their wants are identical, and therefore copies of it are multiplied from the same original. If the circumstances admit, these copies are obtained by impression, as typographic prints, engravings, printed cottons; by stamping, as coins, buttons; by casting, as iron and bronze casts, plaster ornaments; if not, they are made according to a pattern, as stockings, gloves, shoes, hats, and other articles of dress, articles of hardware, tools of all sorts, and, in fact, all articles manufactured on a large scale. If, however, the demand is individual, and not general—if it is for a single peculiar article, and not for articles precisely similar to others of the same class, it is necessary to adapt the type to the conditions of the given case. Thus, if a bridge, or a road, or a dock, or a large building or ship of any sort, is to be constructed, or if any extensive machinery is to be erected, the work must be made to suit the peculiar circumstances of the case. The general type of a bridge, or a road, or a palace, or a church, or a ship, must be modified, so as to fulfil the conditions of the special problem. A specu-

(37) The Roman law was itself in part founded on the Attic law, the most complete system of Greek jurisprudence: 'Jus Romanum maximam partem ex jure Attico effictum atque expressum esse, res nota est ac manifesta omnibus.'—Luzac, *Lectiones Atticæ*, p. 75. See, however, Cic. *de Orat.* i. 44.

lator may build a street of identical houses, because there is a class of persons whose wants, in the way of habitation, are identical, but there is no class of persons who want several churches such as St. Peter's or St. Paul's—several bridges such as the Menai bridge—several palaces such as Versailles—several roads such as that of the Simplon—several buildings for the exhibition of works of industry, like the gigantic glass structure recently erected in Hyde-park. The difference between these two modes of dealing with a real type, in the useful arts, may be illustrated by comparing a suit of clothes made from measure, to fit a given person, with a suit of clothes purchased of a ready-made dealer, or supplied by contract, as a uniform dress in the army or navy, or to the inmates of a public establishment: or, again, by comparing a dinner ordered for the occasion with a dinner provided according to a dietary table.

Now in politics it is possible, in a considerable number of cases, to adopt the method of the identical multiplication of real types. In the execution of laws, the circumstances of different cases are often so simple and so similar, that the same mode of dealing with them can be adopted. Hence, in judicial matters, the same formulas of procedure—in administrative matters, the same instructions and regulations, are applied to large classes of cases, and are not varied, by the executive authorities, to suit each successive case. When once a set of regulations or instructions has been carefully prepared, it may be applied to many prisons, to many schools, to many workhouses, to many regiments, to many ships' crews, &c. But it is in politics as in the useful arts—if the circumstances of the case are complex, the general type must be individualized, and adapted to them by proper modifications. For the same reason that a palace or a fortress is built from a special plan, while cottages may be built in a class—that a coat is best made to order, while a hat or gloves can be chosen from similar articles, made of a certain size—it is necessary, in politics, to desert the general formula, and frame instructions for the individual case, where its circumstances are complex and intricate.

The advantages of these respective modes of dealing with the subject are similar in politics and in the useful arts. When the general type is adapted to the individual case, the work is more perfect. If everything that we use or consume was made to order, and was adapted to its special destination, our wants would be most perfectly satisfied. But, on the other hand, we must be content with fewer things. Articles made to order demand more labour, and are therefore more expensive, than articles manufactured uniformly from a fixed type. If gloves were made to measure, like shoes, they would be proportionally dearer. Impressions from a die can be multiplied at a cheap cost; but if every medal was engraved by hand, the price would be greatly increased. So, in politics, a measure of the government is most perfect when the real type is taken merely as a guide, and is adapted by a special operation to the circumstances of the given case. But to repeat this process of adaptation on every occasion would be tedious and difficult, and hence, where the circumstances of different cases are simple, and closely resemble one another, there is much economy of labour, together with some incidental advantages, in resorting to a multiplication of the same real type without alteration.

Legislation for an entire country by a single law is, so far as it limits the discretion of the executive authorities, equivalent to the multiplication of copies from a master-type. Thus, if a law is passed that all the prisons, all the schools, all the sewers, all the roads and bridges, throughout the country, shall be managed in the same manner, the principle enforced is that of identical repetitions of a single pattern. When, however, the legislation is local, the law is adapted to the circumstances of the particular district, and the general type is modified according to the specialities of the given case. For example, if there is a local act for the drainage and lighting of town *A* or parish *B*, or for the maintenance of its poor, or the repair of its roads, or any other public purpose, the general principles of legislation applicable to the subject are moulded to suit the peculiarities of the place.

There are certain advantages in politics which belong to

uniformity—there are certain advantages which belong to local adaptation. Thus, uniformity of institutions in different places facilitates inspection, comparison, and simplicity of management—a class of advantages which may be compared with the convenience of opening several locks with a master-key; whereas local adaptation produces a measure in which the wants of the locality are more exclusively considered. The present, however, is not the proper place for a detailed investigation of the respective advantages of these two systems.

§ 11 While we recognise the importance and value of real models, we must be careful to bear in mind that there is a tendency in mankind to see in the past what does not exist there—to people a bygone age with forms of their own creation—to idealize historical realities—to evoke from the dead imaginary states of society—and to fill up the obscure parts of history with a phantasmagoria reflected from their own conceptions. Under the influence of this optical delusion of the mind, political institutions and states of society assume new shapes, colours, and combinations: their defects and deformities disappear, their beauties are embellished, their proportions are magnified. The real and the idealized portraits bear the same relation to one another, which a company of actors at a rehearsal bear to the same actors dressed for their parts, and assisted by the stage illusions and theatrical decorations. It was this disposition which led the Lacedæmonians to imagine that they saw in the legislation of Lycurgus a plan for the equal division of lands among the citizens,—thus transferring to a semi-fabulous age the later theories of a philosophical communism.(38) In like manner, the proto-

(38) The unhistorical nature of the equal division of lands by Lycurgus was first proved by Mr. Grote: see his *Hist. of Greece,* vol. ii. p. 528-47. After showing that this belief was suggested by the patriotic reforms of Agis III., combined with the idea of equality among the citizens contained in the legislation of Lycurgus, he proceeds thus: 'It was thus that the fancies, longings, and indirect suggestions of the present assumed the character of recollections out of the early, obscure, and extinct historical past. Perhaps the philosopher Sphærus of Borysthenes, author of works now lost, both on Lycurgus and Socrates, and on the constitution of Sparta, may have been one of those who gave currency to such a hypothesis; and we shall readily believe that, if advanced, it would find easy and sin-

type of the free constitution of England has been sought and found in the Anglo-Saxon times; while Blackstone has been able to discover the theoretical perfection of its public law in the reign of Charles the Second.(39) Literature and theological learning have been discerned among the half-savage septs of Ireland(40) and the Hebrides; nor do the authentic records of the primitive church altogether represent that picture of unity, harmony, and sound doctrine, which it has been supposed to exhibit. An imaginary state of popular happiness and prosperity has been perceived in the mediæval centuries; feudalism and chivalry have been refined and sublimated into an ethereal essence, almost devoid of human grossness.(41) Every nation,

cere credence, when we recollect how many similar delusions have obtained vogue in modern times, far more favourable to historical accuracy—how much false colouring has been attached by the political feeling of recent days to matters of ancient history, such as the Saxon Wittanegemote, the Great Charter, the rise and growth of the English House of Commons, or even the poor-law of Elizabeth.'—*Ib.* p. 529.

(39) He fixes it at the year 1679, after the Habeas Corpus Act was passed, and that for licensing the press had expired, 4 *Com.* p. 439, n. Blackstone (1 *Com.* p. 70) mentions the dictum of the old lawyers, that the common law is the perfection of reason—another instance of a reality being idealized by the imagination.

(40) Compare Berington's *Literary History of the Middle Ages*, p. 122-3; ed. 1846.

(41) 'D'autre part, lorsqu'on cherche à faire connaître l'état social, la législation, les moyens de pouvoir, les droits et les devoirs des hommes d'autrefois, on peut se trouver entraîné à introduire dans l'esprit une notion fausse. La forme même dans laquelle on expose le résultat des recherches donne à tout une apparence de système et de regularité. On présente comme un ensemble légal, comme des institutions bien ordonnées, ce qui, dans la réalité, n'était qu'une sorte d'esprit général, de caractère commun, qui se retrouvait au milieu du désordre. Des indices fortuits d'un avenir plus ou moins prochain sont donnés en preuve de la prévoyance des législateurs, de l'habileté des hommes d'état. Tout prend une forme exacte et déterminée ; le lecteur, trompé par nos habitudes d'aujourd'hui, voit une constitution sociale dans un chaos qui commençait à peine à se débrouiller ; ce qui était passager lui semble fixé, ce qui était accidentel lui semble accoutumé. Les débris épars et incohérens des temps antérieurs lui sont donnés comme preuves d'origines et de filiations légales. Les tentatives essayées pour établir un peu d'ordre et de justice dans une société ravagée par le droit de la force, les efforts pour sortir de l'abîme où avait été engloutie toute civilisation, sont convertis en un régime revêtu de la sanction des temps et des souvenirs, et qui pouvait suffire au bien-être, à la morale et à la dignité, des générations contemporaines. C'est de la sorte qu'a pu se créer, sous le nom de féodalité, l'idéal de la constitution sociale du moyen âge, de même qu'on a créé, sous le nom de che-

indeed, has its good old time—a golden age floating in the popular belief, which can never be identified with any real period.(42) Perhaps, however, the most remarkable instance of this illusion is furnished by the admirers of savage life, and by the believers in a blissful state of nature. Not contented with placing their golden age in some former state of civilized society, they recede beyond the limits of civilization, and find their type of human virtue and happiness in a state of things so completely idealized, that it scarcely bears any resemblance to the authentic descriptions of savage life derived from contemporary observers. In pictures of this sort the real passes into the ideal, and no certain line can be drawn between the two. They resemble a portrait which, professing to exhibit the features of

valerie, la perfection imaginaire de son caractère moral.'—Barante, *Histoire des Ducs de Bourgogne*, préf. p. 15.

'Dans les siècles modernes, quelques hommes d'esprit ont tenté de réhabiliter la féodalité comme système social; ils ont voulu y voir un état légal, réglé, progressif; ils s'en sont fait un âge d'or. Demandez-leur où ils le placent, sommez-les de lui assigner un lieu, un temps—ils n'y réussiront point; c'est une Utopie sans date; c'est un drame, pour lequel on ne trouve, dans le passé, ni théâtre ni acteurs.'—Guizot, *Civ. en Europe*, leçon 4.

(42) Machiavel, in the introduction to the second book of his *Discorsi*, treats of the disposition of men to praise the past at the expense of the present, both as regards former ages, and also the time which was contemporary with their youth. He says that sometimes the past time is really better than the present. In cases where it is worse, or not better, he attributes the error of judgment to ignorance of the past, and particularly of those matters which redound to its dishonour—also to the absence of fear or envy, two potent causes of hatred, which do not exist with respect to a bygone age. Our ignorance of the past, he remarks, is not so great with respect to arts, as with respect to the life and customs of men. As to the comparison of the state of things in a man's youth with that in his old age, he observes that, as strength declines, and the judgment matures, many things which appeared good and tolerable come to appear evil and insupportable. Bodin (*Meth. Hist.* c. 7, *ad fin.*) exposes the fallacy of 'good old times' with arguments similar to those of Machiavel. Gibbon (c. 2) speaks of 'the propensity of mankind to exalt the past, and to depreciate the present.' Again, in c. 25, n., he says: 'I am informed that some champions of the Milesian colony may still be found among the original natives of Ireland. A people dissatisfied with their present condition grasp at any visions of their past or future glory.'

Ammianus Marcellinus, after describing the calamities produced by the Gothic invasion of the Roman empire, in 376 B.C., proceeds thus: 'Negant antiquitatum ignari tantis malorum tenebris offusam aliquando fuisse rempublicam; sed falluntur malorum recentium stupore confixi. Namque si superiores vel recens præteritæ evolvantur ætates, tales tamque tristes rerum motus sæpe contigisse monstrabunt.'—xxxi. 5.

a real man, is so idealized by the flattery of the artist, that all the characteristic marks of the individual subject are obliterated.(43) Hence (as we shall see in the next chapter) the historical pictures of the state of nature, and the poetical pictures of the golden age, melt into one another by imperceptible transitions, and embody the same images.

Mr. Macaulay has justly remarked, that the tendency to admire an imaginary antiquity springs from the same source as the tendency to progressive amelioration.(44) Men are dissatis-

(43) With respect to the state of nature, see Puffendorf, b. 2, c. 2; Zachariä, *Vom Staate*, vol. i. p. 49. Upon Rousseau's theory of the superiority of the state of nature to civilization, see Say, *Cours d'Econ. Pol.* tom. i. p. 105-9, and C. Comte, *Traité de Législation*, liv. iv. c. 15; also, liv. i. c. 4. Compare his description of the social and moral state of the American savages, *ib.* liv. iii. c. 17 to 21, and particularly the note in c. 20. An excellent sketch of the savage state is given in Volney's account of the North American Indians, subjoined to his work on America. The character of savage man is faithfully depicted by M. Comte, *Phil. Pos.* tom. iv. p. 627. In the infancy of society (he says), the instincts relative to self-preservation and the acquisition of food are in the ascendant, and even predominate over the sexual appetite, though the latter is still in its coarsest form. Savages are distinguished by an unbounded voracity, and a taste for physical stimulants, which is only kept in check by the frequent intervals of destitution to which they are subject. Moreover, their love of ornament, notwithstanding the scantiness of their dress, is much stronger than the same feeling in a civilized people. Their domestic affections are feeble; and their social affections are limited to a very narrow fragment of mankind, without which everything is alien, and even hostile. The various malignant passions are, after the physical appetites, the chief habitual motives of action in the savage state. On the state of savages, see likewise Cooke Taylor's *Natural History of Society*, c. 2-10.

'D'autres ont exclusivement transporté à la naissance de l'univers le bonheur, la justice, et la vertu. Qui ne connoît les tableaux que des poëtes ingénieux ont faits des premiers âges du monde? On aime à les lire, et on voudroit y croire. Des philosophes chagrins ont aussi célébré avec quelque enthousiasme ce qu'ils appellent l'état de nature, l'état antérieur à cette formation des sociétés civiles, qu'ils regardent comme la dégénération des hommes, comme une source féconde de malheurs et de crimes; déclamateurs en délire, qui ne louent ce qu'ils ignorent que par haine de ce qu'ils connoissent, qui font mentir le passé pour calomnier le présent; hors de la société, n'est encore que l'enfance de l'homme; la civilisation est l'âge mûr de l'espèce humaine.'—Pastoret, *Histoire de la Législation*, tom. i. p. 3.

(44) *History of England*, c. 3 *ad fin.* (vol. i. p. 426.) A similar remark is made by Machiavel (*ibid.*): 'Sendo oltra di questo gli appetiti umani insaziabili, perchè hanno dalla natura di potere e voler desiderare ogni cosa, e dalla fortuna di potere conseguirne poche; ne risulta continuamente una mala contentezza nelle menti umane, ed un fastidio delle cose che si posseggono; *il che fa biasimare i presenti tempi, laudare i passati, e desiderare i futuri,* ancorchè a far questo non fussino mossi da alcuna ragionevole cagione.'

fied with their present condition, and seek to improve it; but, instead of advancing into an untried ideal future, they wish to recede to an idealized past. While the impatience of their present lot urges some persons to invent a pattern constitution, to which they attempt to lead on society, others are prompted by the same feeling to see an imaginary state of perfection in the past, to which they desire that society should return. In this manner, a mythico-historical age—a generation of heroic warriors, benevolent princes, and wise statesmen, whose heads are encircled with a dim but luminous halo, whose existence is real, but whose acts and character are unreal—may serve the purpose of an Utopia. There is, besides, a general disposition to admire what is remote and imperfectly known, and to fill up the voids of information with ideal excellences, which extends to other subjects than ancient states of society.(45)

Accordingly, when the region is remote, or little visited, the same effect may be produced by distance in space as by distance in time. Tacitus, in his *Germania*, drew an embellished picture of the simple manners of the barbarous Germans, as a foil to the corrupt manners of polished Rome.(46) Some eminent writers of the eighteenth century found a model of political and social excellence in the Chinese, whose remoteness, and exclusion of strangers, afforded a free scope to an active imagination;(47)

(45) *τὰ διὰ πλείστου πάντες ἴσμεν θαυμαζόμενα, καὶ τὰ πεῖραν ἥκιστα τῆς δόξης δόντα.*—Thucyd. vi. 11. 'Major e longinquo reverentia.'—Tacit. *Ann.* i. 47. 'Omne ignotum pro magnifico est.'—*Agric.* c. 30.

'Men admire what is absent (says Aristotle), and admiration is pleasing.' *θαυμασταὶ τῶν ἀπόντων εἰσίν· ἡδὺ δὲ τὸ θαυμαστόν ἐστι.*—*Rhet.* iii. 2, 3.

There are two modern proverbs expressive of this truth: 'Far folks fare well, and fair children die' (Ray's *Proverbs*, p. 105); and 'Far awa fowls hae aye fair feathers,' Henderson's *Scottish Proverbs*, p. 111. Obscurity may be a cause of fear as well as of admiration; hence the proverb, 'Semper plus metuit animus ignotum malum.'—Publ. Syrus 715.

——'Plus nominis horror,
Quam tuus ensis aget. Minuit præsentia famam.'
Claudian *de Bell. Gild.* 384.

(46) Bähr, *Geschichte der Römischen Literatur*, § 329. See particularly the words of Tacitus, *Germ.* c. 19: 'Nemo enim illic vitia videt; nec corrumpere et corrumpi, sæculum vocatur.' Again, 'Plus ibi valent boni mores, quam alibi bonæ leges.' By *alibi* is meant Rome.

(47) Wolf considered China as the ideal perfection of human society —See Raumer, *Recht, Staat, und Politik*, p. 72; Buhle, *Hist. de Phil.*

while the system of forced labour and virtual slavery established by the Jesuits in Paraguay has been metamorphosed into an Utopia of community and equality.(48) Under the imperfect system of communications which existed in antiquity, the Platonists of the age of Justinian, expelled from the Roman empire, expected to find a real image of the republic of Plato in the kingdom of Persia, governed by the despotic sceptre of Chosroes.(49) Distant or rarely-visited communities may thus be so highly idealized, as almost to resemble the innocent and sacred nation of the Hyperboreans, which the fables of the Greeks placed in a sunny region, beyond the influence of the icy Boreas.(50) Hence, models of society and of institutions which profess to be real are often, in fact, ideal, and properly belong to the subject of the next chapter. An idealized reality scarcely differs from a pure ideal.

§ 12 We have now examined the nature of the argument

Moderne, tom. iv. p. 499, 567. Montesquieu, though his praises are qualified, sometimes refers to the institutions of China with eulogy—vii. 7; x. 15; viii. 21; xiv. 5; xviii. 6; xxix. 18. Benjamin Constant comments upon the absurd eulogies of Chinese institutions by Filangieri and others, remarking that, as the writers of the last century were prevented from direct censure of their own governments, they resorted to the indirect censure conveyed in the commendation of remote countries, and ancient states of society.—*Œuvres* de Filangieri, tom. iii. p. 265, 309-11.

Speaking of Dryden's tragedy of *Aurengzebe,* Johnson says: 'His country is at such a distance, that the manners might be safely falsified, and the incidents feigned; for the remoteness of place is remarked, by Racine, to afford the same conveniences to a poet as length of time.'—*Life of Dryden.*

(48) See Comte, *Traité de Législation,* liv. v. c. 32.

(49) 'Seven friends and philosophers, Diogenes and Hermias, Eulalius and Priscian, Damascius, Isidore, and Simplicius, who dissented from the religion of their sovereign, embraced the resolution of seeking in a foreign land the freedom which was denied in their native country. They had heard, and they credulously believed, that the republic of Plato was realized in the despotic government of Persia, and that a patriot king reigned over the happiest and most virtuous of nations. They were soon astonished by the natural discovery, that Persia resembled the other countries of the globe; that Chosroes, who affected the name of a philosopher, was vain, cruel, and ambitious; that bigotry, and a spirit of intolerance, prevailed among the magi; that the nobles were haughty, the courtiers servile, and the magistrates unjust; that the guilty sometimes escaped, and that the innocent were often oppressed.'—Gibbon, *Decline and Fall,* c. 40. See Agathias, ii. 30, from whom the account is derived.

(50) Pindar, *Pyth.* x. 56; Mela, iii. 5.

from practical example or precedent, and it only remains for us to consider the relation which it bears to theory and to general precepts.

As we have seen, there are two modes of political practice; one, in which the judgment is guided by a general maxim; the other, in which the argument is from a singular, through an universal but unexpressed proposition, to a singular. The main difference between the Dogmatic, or doctrinal politician, and the Empiricist, or practical man, is, that the former states his principle, but omits the facts on which it is founded; while the latter states his precedent, and suppresses his principle.

Archbishop Whately, in exposing the inconsistencies of those who condemn the study of political economy, has remarked that all persons who discuss and decide questions relating to national wealth are, in fact, though not in name, political economists. The objectors to political economy, when they discuss subjects included within the limits of this science, would thus assume the very character of which they themselves disapprove.(51) There is, however, this material difference between persons who discuss a practical question upon grounds of political economy, and those who discuss it upon grounds of common sense and simple experience. The former have certain principles, a certain *rationale*, or system of doctrine, to which they refer as their ultimate criterion and guide: the latter refer only to certain facts, or a certain practice, by which they profess to be determined. It is true that the latter must, in reality, assume certain general propositions by which the two sets of facts are connected; but these are not distinctly expressed—they are not reduced into a dogmatic form, and they must be first stated by the antagonist as premises involved in the practical man's argument, before their truth can be examined. The practical man, in short, who discusses a question of political economy by a reference to precedents and individual cases, may be a political economist, but he is not a theorist. He is not a political economist, in the sense in which

(51) *Lectures on Political Economy*, lect. 3, p. 73-5.

Adam Smith and Say are political economists: he does not lay down universal scientific propositions on the subject.

However difficult and liable to error may be the process of applying political theory to practice, as described in the previous chapter, yet, if it be properly performed, the logical result is much clearer to the understanding than in the argument from one case to another. The reason of this comparative obscurity is, that in the argument from example or precedent, the principle upon which the inference rests is usually suppressed. The reasoning is much more perspicuous when the general principle is stated first, the particular case is placed under it, and the conclusion is then drawn. In order to argue from one case to another, it is necessary to reject from each the circumstances immaterial to the matter in hand, and to compare those in which they agree. In complex cases, this process is often extremely difficult. Much sagacity and knowledge of the subject are required, in order to discriminate between material and immaterial facts—to reject enough, but not more than enough. For if immaterial facts are retained, the comparison becomes obscure and uncertain; if material facts are rejected, it becomes fallacious. This process, which, in the argument from precedent, must often be performed mentally, though it may be easy and sure to the experienced practician, perplexes the tiro. Hence, students of the law have great difficulty in collecting legal rules from cases, though they are soon able to apply a rule of law, laid down in general terms, to a particular case of practice.

It happens not unfrequently that a politician professes a belief in certain theoretical principles, and even recommends them to others, while he in fact governs his conduct by precedents involving principles wholly inconsistent with those which he proclaims. A remarkable example of this species of inconsistency is often furnished by discussions upon laws for the relief of the poor: principles are in general broadly laid down by advocates for a liberal system of relief, which would lead to a division of all property among the working classes. The same persons, however, when they proceed to frame a practical measure, or to

administer an existing law, adopt restrictions, founded upon precedent, wholly inconsistent with their own doctrines. The citizens of a free state, who maintain the institution of slavery—as the Athenians and Romans in antiquity, and the Americans of the present day—are in a similar position. They lay down certain doctrines with respect to liberty, equality of rights, and legal protection, to which they make no express exception, and to which they constantly appeal in their own behalf; but in exercising their power over their slaves, they follow the established practice of the country, which is altogether at variance with the other set of doctrines.(52) Every religious sect, again, invokes the principle of toleration for itself, but it is often intolerant in practice towards other sects.

When a person is in the habit of laying down certain doctrines, which he either neglects in his practice altogether, or else applies them only to a certain class of cases, or to a certain class of the community, while, with regard to other cases and the rest of the community, he is guided by existing practice and precedent, it often happens that, after a time, he becomes conscious of his inconsistency, and that he then attempts either to correct his principles by his practice, or his practice by his principles. If, upon consideration of his practice, he finds that it involves principles sounder than those which he enounces in theory, he reforms his theory according to the indications of his practice. This process is of perpetual occurrence while a theory is still in an immature state. The practitioners in the subject to which it relates are constantly able to verify the maxims derived from

(52) 'Rien n'est si commun que de rencontrer, dans tous les pays, des hommes qui ont deux doctrines opposées : l'une, qui leur sert à combattre l'oppression qu'ils supportent ; l'autre, qui leur sert à justifier l'oppression qu'ils exercent. C'est là l'histoire de toutes les révolutions. On forme la théorie quand on est opprimé ; mais c'est quand on est vainqueur qu'on établit la pratique.'—Comte, *Traité de Législation*, liv. v. ch. 11, note. Compare liv. v. ch. 19, where the inconsistency between the maxims of freemen for themselves and for their slaves is pursued in detail. Compare Arist. *Pol.* vi. 3: *ἀεὶ γὰρ ζητοῦσι τὸ ἴσον καὶ τὸ δίκαιον οἱ ἥττους, οἱ δὲ κρατοῦντες οὐδὲν φροντίζουσι.* *Ib.* vii. 2, *ἀλλ' ἐοίκασιν οἱ πολλοὶ τὴν δεσποτικὴν πολιτικὴν οἴεσθαι εἶναι, καὶ ὅπερ αὑτοῖς ἕκαστοι οὔ φασιν εἶναι δίκαιον οὐδὲ συμφέρον, τοῦτ' οὐκ αἰσχύνονται πρὸς τοὺς ἄλλους ἀσκοῦντες· αὐτοὶ μὲν γὰρ παρ' αὑτοῖς τὸ δικαίως ἄρχειν ζητοῦσι, πρὸς δὲ τοὺς ἄλλους οὐδὲν μέλει τῶν δικαίων.*

the theory, and to subject them to the requisite corrections. Theories substantially true, but partially false, are in this manner purified and confirmed by the results of experience. The practice re-acts upon the theory—the art improves the science.

On the other hand, a person who has proclaimed certain principles, which, though sound, he applies partially, having one rule for himself and one rule for others, may, after a time, be shamed into consistency, and may thus remove the contradictions of his practice by applying to it a uniform theory. A slave-owner, who extols the blessings of liberty, and insists on the rights of freemen, may at last consent to a measure for the emancipation of slaves: the member of a religious sect, which inculcates a respect for conscientious opinion and private judgment, may at last extend to other sects the toleration which he claims for his own.

Whenever either of the processes just described takes place, it is likely that the course adopted will be moderate, and removed from either extreme. Whether a person mends his theory by his practice, or his practice by his theory, he will probably move with slowness and deliberation, and he will be more or less held back by the opinions and habits which he is abandoning. Hence, he may profit by the lessons derived from the perception of his own errors, and may attain the golden mean between the rash theorist and the blind empiricist.

Chapter XXII.

ON IDEAL MODELS IN POLITICS.

§ 1 HAVING, in the preceding chapter, examined the use and application of real models in political practice, we proceed to the consideration of those models which are ideal and not real; which are created by the imagination of an inventor, and have not, as yet, any actual existence.

The process of imitating an ideal model does not differ essentially from that of imitating a real model; but the two sorts of models are essentially different. A real model is something which has had, or still has, an actual existence, and which we strive to copy as nearly as our own powers, and the circumstances of the case, will admit. Such is the character of a virtuous man, or the style of an eminent writer or artist. There may be models of existing machines, instruments, tools, and other productions of the useful arts. Certain specimens of domesticated animals, and of cultivated varieties of flowers and fruits, may likewise be used as models for propagation. In politics, existing governments, institutions, or laws, of acknowledged excellence, may be copied in other countries. There may, again, be model schools, model regiments, model ships, model prisons, model farms, and other matters of human management, which serve for the imitation and guidance of persons placed at the head of similar establishments. An ideal model is a type of hypothetical perfection, which is described in words, or represented by signs, but has never obtained a real existence, not even in the shape of an experimental specimen. In the material arts, an idea can often be represented by its author in an actual model, for purposes of trial; such is the case with tools, and also with machinery, unless it be upon a large scale. But in political affairs, an idea of perfection must always remain an idea, until it is adopted by the practical politician. This necessity is created by the causes

mentioned in a former chapter,(1) which prevent politics from being an experimental science.

§ 2 An ideal model in politics is analogous to ideals in the useful arts, not in the arts of design. The reason of this difference is to be found in the difference of the end. The arts of design only imitate external nature, whereas the useful arts produce something new—something which would not exist in that shape if it were not contrived and executed by man. A picture or a statue is a representation of an outward object, intended to give pleasure to the beholder, either by the excellence of the fiction, or by preserving the features and form of a particular person, or the appearance of a certain natural scene. On the other hand, an axe, a saw, a plough, a chain, a cup, a spinning-machine, a loom, a sword, a watch, a waggon, a ship, a printing-press, a steam-engine, is intended to produce, move, contain or measure something, or to assist man in some practical operation or manual work. None of these instruments and appliances exist in nature, nor are they suggested by any natural model: they are exclusively the fruit of man's invention, and they are fashioned by his hands.(2)

Much has been said and written upon ideal beauty in art: but it is certain that a picture or statue, though it may not be a portrait, cannot improve upon nature.(3) It can only represent the best individuals, leaving out accidental defects. It may combine what is best in several, but it can never go beyond some real specimen of individual excellence, either in parts, or as a whole. If it creates something which does not exist in nature, it makes a monster. The artist may select from various subjects those features or limbs which are most beautiful, and may form

(1) Above, ch. 6.

(2) Stieglitz (*Geschichte der Baukunst*, p. 9) says that the forms of architecture are not borrowed from anything in outward nature, but are contrived by man according to the laws of nature.

(3) As to the impossibility of improving upon nature—of producing ideal forms more beautiful than the real—see Rumohr, *Italienische Forschungen*, vol. i. p. 63. Concerning the ideal in art, see Sir Edmund Head's preface to Kugler's *Handbook of the German, Flemish, and Dutch Schools of Painting*, p. xxi. *sqq*.

them into a whole, which resembles no one original, but represents what is most excellent in many.(4) In combining these, he copies the forms of nature, if he desires to represent a beautiful man, or woman, or animal; but even if he combines heterogeneous parts, so as to make a monster—as a sphinx, a centaur, or a unicorn—the single elements which he puts together are all borrowed from nature.

A model instrument is analogous to a *type* in art.(5) As the sculptor or painter, in representing a certain subject, maintains a certain resemblance to a traditionary ideal character of features and form, (such as we see exemplified in the treatment of gods and heroes by the ancients, and of sacred figures by the moderns,) so, in the useful arts, a general resemblance to a certain ideal pattern is constantly maintained, but its form and make are varied according to the judgment of successive artisans, and the wants of different customers. The artificer who fashions a new plough or knife has in his mind's eye a certain image of a plough or knife, similar to the image of a Jupiter or an Apollo, which was present to the mind of the Greek sculptor who made a statue of one of these gods. He could conceive a new treatment of the subject, but his imagination must be restrained within the limits of his type. So the ploughs described by Hesiod and

(4) See this view of the ideal in the arts of design laid down by Socrates, in *Xen. Mem.* iii. 10, § 2; and by Aristotle, *Pol.* iii. 10. Compare the story of Zeuxis, in Cic. *de Invent.* ii. 1, who, having been employed by the citizens of Crotona to paint a picture of Helen, requested to be permitted to study from the most beautiful women of the city as models: 'Tum Crotoniatæ publico de consilio virgines unum in locum conduxerunt, et pictori, quas vellet, eligendi potestatem dederunt. Ille autem quinque delegit; quarum nomina multi poetæ memoriæ tradiderunt, quod ejus essent judicis probatæ, qui verissimum pulcritudinis habere judicium debuisset. Neque enim putavit omnia, quæ quæreret ad venustatem, uno in corpore se reperire posse; ideo quod nihil, simplici in genere, omni ex parte perfectum natura expolivit. Itaque, tamquam ceteris non sit habitura quod largiatur, si uni cuncta concesserit, aliud alii commodi, aliquo adjuncto incommodo, muneratur.' Compare the allusion of Ariosto, *Orlando Furioso*, xi. 71.

The doctrine of an ideal in art more beautiful than nature, is expressed in Cic. *Orator*, c. 2, 3. In this passage, reference is expressly made to the Platonic ideas.

(5) See the meaning of a *type* in the arts of design, explained and illustrated by Sir Edmund Head, *ib.* p. xxxix.

Virgil belong to the same type as the improved plough of a modern English farmer; but they differ from it as the Jupiter or Madonna of one artist differs from the Jupiter or Madonna of another.

Painting and sculpture—the arts of design—resemble poetry in this, that they all three represent natural objects, or at least objects supposed to be natural. They re-combine existing elements which they find in the reality of outward nature; but they are all essentially imitative. The disposition to represent illusion as the perfection of these arts, as in painting and the drama,(6) shows that they are conceived as a mere reproduction of something real. Moreover, they seek merely to give mental pleasure: they do not minister to the physical wants or business of mankind.(7) Utility is altogether foreign to the works of the painter, sculptor, or poet.

Architecture, on the other hand, represents nothing; it imitates no object in external nature. Like the useful arts, it constructs something new. The purpose of its works is useful; it seeks to produce something which men can use for their bodily comfort, and for the business of life. Hence, utility is the main source and canon of architectural beauty, and all decorations of a building are accessory and subordinate to its structure.(8) Architecture, accordingly, belongs more to the useful than to the fine arts. A building, however, has this peculiarity among products of the useful arts, that, being immovable, it admits of decoration, both externally and internally. An instrument or machine, such as a plough, a shuttle, a saw, a gun, and even a carriage or a ship, would be encumbered by decoration. All ornaments involving a change of surface would render it clumsy

(6) As to the illusion of painting, see the anecdotes of Zeuxis, in Plin. *H. N.* xxxv. 36, § 3, 4. The subject of illusion in dramatic representation is discussed by Dr. Johnson, in his preface to Shakspeare.

(7) Drawings, plans, and models for practical purposes stand on a different footing: they do not belong to the fine arts.

(8) On the beauty of architecture arising from utility, see Cic. *de Orat.* iii. 46. 'Houses are built to live in, not to look on; therefore let use be preferred before uniformity, except where both may be had.'—Lord Bacon, *Essay on Building*.

and unserviceable; and, even if applied, would be broken and worn off by friction and use. Decorated carriages or ships are only employed for occasions of ceremony, and not for daily use. Buildings, however, being stationary, admit of being decorated in relief, within certain limits, without impairing their utility, or exposing their decorations to damage.

The ideals of the arts of design are, therefore, essentially imitative; the ideals of architecture, and of all the useful and constructive arts, are essentially original. The former represent something in outward nature—the latter represent nothing in outward nature. Every work of the useful arts must be conceived, in the mind of the inventor or improver, as something novel and non-existing, as having no archetype in nature, as a pure hypothesis of his own creation, before it assumes an outward form. When it has been actually made, and tried, and found to succeed, it can be copied for the use of others, and can afterwards be varied for different adaptations.

Now the ideals of government resemble those of the constructive and useful arts, not those of the arts of design. An imaginary state, or system of legislation, resembles an idea of an instrument, or machine, or building, which the inventor or architect has conceived in his mind, and has designed upon paper, but has not yet executed, so as to try it in practice. The metaphors used in describing the practical ideals of politics are often derived from the useful arts. Thus, we hear of a political plan, outline, sketch, all of which expressions are borrowed from architecture or other constructive arts. Our ancestors spoke of 'a platform of government'—a platform being a ground-plan arranged in a pattern.(9) Cicero describes the perfect state of Plato under the image of a building erected upon an open space.(10)

(9) Thus, in Pope:

'Grove nods at grove, each alley has its brother,
And half the *platform* just reflects the other.'

(10) 'Nam princeps ille, quo nemo in scribendo præstantior fuit, *aream* sibi sumpsit, in quâ civitatem *exstrueret* arbitratu suo.'—*De Rep.* ii. 11. Compare his expressions in *Epist. ad Fam.* ix 2: 'Non deesse, si quis adhibere volet, non modo ut architectos, verum etiam ut fabros, ad ædificandam rempublicam.'

§ 3 All practical plans and measures in government (as we shall see hereafter) involve an ideal conception. It is, however, an idea founded on real data, and applied to an individual case. Ideal models in politics, on the other hand, are founded on imaginary data, and are not limited to a single case. They are intended to serve as universal guides in practice. The essence of an ideal state is, that it does not start from an historical basis—that it does not suppose an actual community. It is not only an imaginary fabric, but it assumes an imaginary foundation. All improvements which have been carried into effect have involved an ideal plan, but the ideal plan rested upon actual facts. For example, the plan of a uniform penny-postage was ideal: it had never had any actual existence; there had been no experience of its operation. But the plan was founded on real data, and was adapted to the existing circumstances of England. On the other hand, an ideal commonwealth, or the idea of perpetual peace, is not only a mental creation, but it presupposes no actual state of things, and is adapted to no given community. An Utopia has no special reference to any country: it is a fictitious frame of government, into which a society in a state of nature might be formed.

§ 4 A real and an ideal model are each, considered as models, equally general in their application. They have no peculiar reference to any actual case. An ideal model, however, possesses this advantage, that it is, or may be, free from defects, and that all which it holds out for imitation is worthy of being imitated. In all real models, there is some admixture of human defects; and since the model, as a whole, is consecrated in the minds of its admirers, its accidental peculiarities, however faulty, are sometimes imitated, as well as the excellences which were the cause of its acquiring authority. Hence (as Horace says), 'Decipit exemplar vitiis imitabile.'(11) Now, by establishing

(11) 'Ergo hoc sit primum in præceptis meis, ut demonstremus quem imitemur; atque ita ut quæ maxime excellant in eo quem imitabitur, ea diligentissime persequatur; tum accedat exercitatio, quâ illum quem ante delegerit, imitando effingat, atque ita exprimat, non ut multos imitatores

models of ideal perfection, we exclude those incidental defects which are inherent in all really existing individuals. However hard of imitation they may be, however much their imaginary excellence may transcend our feeble powers of execution, they do not mislead our judgment by defects, or indulge our love of ease by peculiarities which can be repeated with a slight effort. The great works of poetry, painting, and sculpture may, indeed, serve as ideal models, if properly used,(12) but no real model in politics, or other department of practical life, is faultless.

§ 5 The use both of real and ideal models belongs to the art of politics; but for the use of real models, nothing more is needed than rules for their selection and adaptation—no original invention is required. Ideal models, on the other hand, imply not only selection and adaptation with respect to their use, but also invention and construction with respect to their origin. They fall within the constructive department of political art. The use of real models supposes that an institution already exists, which is held worthy of imitation; and the art of politics supplies the precepts by which the process of imitation is to be effected. On the other hand, the function of constructive politics is to create an ideal model, upon which real institutions are afterwards to be fashioned. It teaches what are the circumstances which admit of the formation of such ideal models, and what are the conditions for their application in practice when they have been formed.

A dictum is cited (which is attributed to M. Lamartine), that an ideal is 'truth seen at a distance.' Now an ideal in politics is constructive; it does not represent real relations, and does not deal with truth. It may, indeed, like other constructive hypotheses, be made the subject of predication; but the propo-

sæpe cognovi, qui aut ea quæ facilia sunt, aut etiam illa quæ insignia, ac pæne vitiosa, consectantur imitando. Nihil est facilius quam amictum imitari alicujus, aut statum, aut motum. Si vero etiam vitiosi aliquid est, id sumere, et in eo vitiosum esse, non magnum est.'—Cic. *de Orat.* ii. 22.

(12) See Longinus, c. 13, 14, on the advantage of imitating fine models of composition. He gives to this species of imitation the name of ἀποτύπωσις.

sitions relating to it do not express matter of fact, and cannot be said to be true or false. Whereas political theory, which is concerned with truth and matter of fact, constructs no plans for practical purposes; it draws no scheme of a constitution, no systems of legislation, administration, or judicature; it frames no pattern code of laws.

§ 6 Having endeavoured to explain the nature of ideal, as distinguished from real, models in politics, we will proceed to describe the most remarkable instances of ideal models proposed by different political writers, and especially those relating to an ideal commonwealth or perfect state.

It is natural that the first efforts of political speculation should have an immediate view to the application of the doctrine —art of a certain sort is always prior to science; the practice precedes the theory.(13) Hence, the persons who first began to speculate on politics were naturally led to frame plans intended for practical use, before they treated the subject in a purely scientific manner. Now, political idealists deal with politics as an art, not as a science. They seek, not to represent, but to construct. Practical invention, not truth, is their aim. They do not describe the essential properties of a government or law, but they endeavour to make an excellent form of government, or an excellent code of laws. Science always deals with that which exists, or has existed: the political idealist frames something which never existed.

§ 7 Hippodamus of Miletus—contemporary with Pericles—a practical architect, who first laid out towns in regular streets, also applied himself to philosophical inquiries, and was, according to Aristotle,(14) the first speculative politician who sketched a

(13) See above, ch. xix. § 2.

(14) *πρῶτος τῶν μὴ πολιτευομένων ἐνεχείρησέ τι περὶ πολιτείας εἰπεῖν τῆς ἀρίστης.*—*Pol.* ii. 8. These words might seem to imply, that some practical politicians had previously framed a perfect state; but there is no record of any such plan: and Aristotle probably had in his mind the performances of practical lawgivers, such as Lycurgus and Solon. See his expressions at the beginning of c. 12. Solon, however, as is well known, is said to have declared that his laws were not the best absolutely, but the best which the circumstances of the Athenians admitted.—Plutarch, *Solon*,

plan of a perfect state. He supposed a community containing 10,000 male citizens, and he divided the citizens into three classes, the artisans, the cultivators of the soil, and the military class. He likewise made two other triple divisions—one, of the territory into sacred, public, and private land; the other, of the laws, according as the judicial proceeding related to homicide, assault, or civil injury. He constituted one supreme court, composed of certain selected old men, and he directed that all persons filling the administrative offices should be chosen by the votes of the people comprehending the three classes above-mentioned. He likewise appointed public rewards for those who originated anything beneficial to the state, and pensions for the children of those who were killed in war.(15) There is nothing remarkable in this plan, except as showing the first attempt to construct a state upon a purely ideal basis. Hippodamus was a practical engineer, who had risen to the conception of a town as an organized whole, and he appears to have transferred his notions respecting the physical distribution of the parts of a town, to the political distribution of the parts of a state. Each of his plans was constructive, and framed with a view to a practical application. Whether he published his scheme of a perfect state in writing is uncertain: at all events, he must have promulgated it as a mere scheme, unaccompanied with speculative disquisition. A plan of an ideal state, supported by philosophical argument, soon, however, proceeded from the true author of scientific inquiry upon politics.

§ 8 When Socrates had diverted the nascent philosophy of the Greeks from attempted solutions of physical and celestial

c. 15. For some supposed apophthegms of the seven sages on the best government, see Plutarch, *Sept. Sapient. Conviv.* c. 11; Stob. *Anthol.* t. xliii. n. 131. Plutarch (*Solon*, 3) observes, that all the seven wise men, except Thales, derived their fame for wisdom from their knowledge of politics, not of physics.

(15) Aristot. *Pol.* ii. 8, where there is a detailed criticism of the ideal state of Hippodamus. Compare vii. 11, where the modern and symmetrical fashion of laying out streets, introduced by Hippodamus, is referred to.

phenomena to the affairs of men,(16) and had thus laid the foundation of ethical and political science, he appears to have directed his own speculations and the thoughts of his companions and listeners, to inquiries into the best form of government. These inquiries, it is true, do not form a part of political science, strictly so called, nor does a scheme of a perfect state necessarily suppose a scientific foundation. But the Socratic researches into this subject were blended with political theory, and with a system of political doctrine, and they were, to a certain extent, preceded by a scientific analysis of the nature of a state.

§ 9 The two famous disciples of Socrates have left us their several draughts of a perfect state, or model government, and although their works differ widely in form from each other, we may reasonably assume that the problem which they attempted to solve had been proposed and discussed by their common master.

Xenophon's political romance, *The Education*, or, as it ought rather to be called, *The Life of Cyrus*,(17) though the product of

(16) Aristotle states that in the time of Socrates τὸ ζητεῖν τὰ περὶ φύσεως ἔληξε, πρὸς δὲ τὴν χρήσιμον ἀρετὴν καὶ τὴν πολιτικὴν ἀπέκλιναν οἱ φιλοσοφοῦντες. —*De Part. Anim.* i. 1: compare Cic. *Tusc. Disp.* v. 4; *De Rep.* i. 10; *Acad.* i. 4; ii. 39; Minuc. Felix, c. 13; Lactant. *Div. Inst.* iii. 20.

(17) Xenophon appears to have written his *Cyropædia*, together with his other historical works, at Scillus, to which he retired in the latter part of his life: see Diog. Laert. ii. § 52. The title of the work may, perhaps, be accounted for, by supposing that it was originally confined to an account of the early years of Cyrus; and that when it was afterwards enlarged, it retained its original title. The epilogue was composed, or revised, after 362 B. C., see viii. 8, 4, and Schneider's note. Xenophon died about 359 B. C. Diog. Laert. (iii. 34) places the *Cyropædia* of Xenophon and the *Republic* of Plato in juxtaposition.

Stallbaum (præf. ad Plat. *Rep.* p. lxvi.) conjectures that the *Republic* of Plato was written or published between Olymp. 99 and 100, 384-77 B.C.; hence it would follow, that the *Republic* was anterior to the publication of the *Cyropædia* in its existing form. The story in Gellius, *N. A.* xiv. 3 (comp. Athen. xi. p. 505 A; Diog. Laert. iii. 34), though doubtless apocryphal, likewise assumes that a part of the *Republic* was published before the *Cyropædia* was written. Looking, however, to the period of Xenophon's retirement at Scillus, it seems to me doubtful whether the *Cyropædia* was posterior to the *Republic*. The *Laws* of Plato were written when he was an old man (Plutarch, *de Is. et Osir.* c. 48), and were not published till after his death: Philip of Opus is said to have transcribed the work from the waxen tablets (Diog. Laert. iii. 37). They were, therefore, posterior both to the *Cyropædia* and the *Republic*: τοὺς Νόμους τοὺς ὕστερον γρα-

his mature mind, and stamped with the marks of his Asiatic experience, is probably no unfaithful representation of the ideal government conceived by Socrates. The benevolent despot, skilled in all the arts of civil and military rule, would apparently have satisfied the conditions which Socrates required for his perfect state.(18) Both Cyrus and his Persian subjects are treated by Xenophon with almost as much freedom, and as little regard to fact, as if they were the inhabitants of an Utopia, or a happy valley. It would be a vain search to look in the *Cyropædia*, either for historical materials, or even for the genuine spirit of an Oriental people and government. Many of the institutions and usages which Xenophon describes are transplanted into Asia from Greece, and especially from Lacedæmon, the favourite political model of the Greek philosophers.(19)

§ 10 Plato has left to posterity his views upon an ideal state, in the two dialogues of *The Republic* and *The Laws*.(20) In the first of these, Socrates is introduced as the main interlocutor,(21) and the opinions entertained by Plato are placed in his mouth. How far even the rudiments of these opinions can be safely attributed to Socrates, is doubtful; but that, in their developed form, they belong exclusively to Plato, must be considered

φέντας, Aristot. *Pol.* ii. 6; Athen. xi. p. 507 F. The mention of the victory of the Syracusans over the Locrians, in *Leg.* i. 9, p. 638, fixes this passage to a date later than 356 B.C.

(18) See Grote, *Hist. of Greece*, vol. viii. p. 628-30, on the political opinions of Socrates: 'His positive ideal state (Mr. Grote remarks), as far as we can divine it, would have been something like that which is worked out in the *Cyropædia* of Xenophon.'—p. 630. Plato is not quite clear about the form of his state, but he conceives it as governed by a king, and apparently by a king with unlimited powers. See below, n. 28.

(19) Socrates was in the habit of praising the governments of Lacedæmon and Crete.—Plat. *Crit.* c. 14. They were likewise the subjects of general admiration, according to Plat. *Rep.* viii. 1.

(20) Ritter considers these his two greatest works, *Gesch. der Phil.* vol. ii. p. 436. Ast (*Platons Leben und Schriften*, p. 341) calls the *Republic* the most perfect of all the works of Plato. See his account of this dialogue, p. 318-54. The subject of government is likewise discussed in the dialogue entitled *Politicus;* concerning which, see Ast, *ib.* p. 217.

(21) The *Republic* is in the form of a narrative, by Socrates, of a dialogue held by him with several persons. The *Laws* are treated as a spurious work by Ast, (*ib.* p. 384-92,) a judgment wholly unsupported and erroneous.

certain. The dialogue of the *Laws* was written subsequently to the *Republic*,(22) and is supposed to be held by three fictitious persons—an Athenian, a Cretan, and a Lacedæmonian—who are represented as meeting in the Island of Crete. Socrates has no part in it; and it is in form, as well as in substance, the work of Plato.(23)

(22) See above, p. 245, note 17. Aristotle, in his criticism of the *Laws* (*Pol.* ii. 6), appears to have forgotten that Socrates is not an interlocutor in the dialogue. He attributes the supposition of 5000 landowners (which he considers an impossibility) to Socrates. See *Leg.* v. 8, p. 737. In *Pol.* ii. 7, Aristotle ascribes an opinion in the *Laws*, concerning the acquisition of land, to Plato himself. See *Leg.* v. p. 744.

(23) Aristotle, *Pol.* ii. 1-5, in his detailed criticism of the Platonic republic, attributes the doctrines of it to Socrates. How far he means to imply that the opinions are really the opinions of Socrates, is uncertain. He may mean only to show, that he does not impute to Plato opinions which are put in the mouth of secondary personages, and which are introduced in order to be refuted. Thus, in referring to the argument concerning the opposition of law and nature, attributed in the *Gorgias* to Callicles, Aristotle distinctly names Callicles: ὥσπερ καὶ ὁ Καλλικλῆς ἐν τῷ Γοργίᾳ γέγραπται λέγων.—*De Soph. El.* c. 12. Brandis thinks that Aristotle's references to Socrates, in connexion with the doctrines of the Platonic state, are intended to imply merely that they were his opinions in substance.—*Gesch. der Gr. Röm. Phil.* vol. ii. p. 65. Mr. Grote, however, thinks that the political and social views of the *Republic* must not be attributed to Socrates, *Hist. of Gr.* vol. viii. p. 550. There is no ground for supposing, with Goettling, ad Aristot. *Pol.* p. 317, that Aristotle names Socrates instead of Plato, 'non sine cavillatione.' Cicero, like Aristotle, speaks of Socrates as the author of the ideal state in the *Republic*: 'Quare prima sit hæc forma et species et origo tyranni, inventa nobis in eâ republicâ, quam auspicato Romulus condiderit, non in illâ quam, ut perscripsit Plato, sibi ipse Socrates peripatetico illo in sermone depinxerit'—*Rep.* ii. 29; also, ii. 1 and 11, 'apud Platonem Socrates.' It seems improbable that, if Socrates had publicly, in the presence of hostile or indifferent persons, maintained the doctrines of the *Republic* concerning the community of property and women, they should not have been used against him on his trial by his accusers, of which there is no trace. On the other hand, it can hardly be supposed that Plato, both in the *Republic* and in the *Timæus*, should have deliberately ascribed these doctrines to him without any foundation. The probability is, that he really entertained these opinions, and had expressed them in private to some friends. Community of women is treated as the doctrine of Socrates, not of Plato, by Lucian, *Vit. Auct.* c. 17; where, see Gesner's note. It is ascribed to *both* by Agathias, *Hist.* i. 4. As to the historical value of Plato's reports of the opinions of Socrates, see Brandis, *ib.* vol. ii. p. 18-23; Athen. xi. p. 505 D-F; Diog. Laert. iii. 35. The argument of Cicero, in *Rep.* i. 10, concerning the reference to arithmetical matters in the *Republic*, implies that Plato assumed the liberty of attributing to Socrates what doctrines he pleased. It is remarkable that Aristotle ascribes the doctrines of the *Laws* to Socrates, although Socrates is not an interlocutor in that dialogue.—*Pol.* ii. 6. Brandis thinks that this reference of the laws to Socrates is not because

The division of the treatment of the ideal problem of government into a Republic, or organic constitution of a state, and Laws, or products of the legislative power in action, introduced by Plato, was imitated by later writers, particularly by Cicero, who composed a treatise *De Republicâ*, and a treatise *De Legibus*.(24) Aristotle remarks, that all inquirers add ideal laws to ideal constitutions, but not the converse.(25)

As the *Republic* and *Laws* of Plato are the earliest works in which the problem of an ideal state was systematically treated, and, moreover, as they far exceed in dialectical skill and literary excellence all their successors in the same line, it will be proper to give a brief account of the mode in which he has discussed the subject.

The ideal state of Plato is founded on the intellectual and moral qualifications of the rulers. They are to be formed for the exercise of their high function by a proper training, and are to possess the philosophical character. Until philosophers become kings, or kings become philosophers, the ideal state of Plato, as

Aristotle identifies him with the Athenian interlocutor in the dialogue, but in order to designate Plato as the author both of this work and of the *Republic*. — *Ib.* p. 178, n. This purpose might, however, have been better attained by using the name of Plato himself.

Quintilian considers the name of Socrates as merely a mask for Plato's own opinions : 'Quæ omnia sunt quidem scripta in hoc libro [the *Gorgias*], dictaque a Socrate, cujus personâ videtur Plato significare quid sentiat.'—ii. 15, § 26.

Aristotle wrote a summary of the *Laws*, and also of the *Republic* of Plato, the former in three, the latter in two books, according to the division of the subsequent editors.—See Diog. Laert. v. 22. The titles are, τὰ ἐκ τῶν Νόμων Πλάτωνος, and τὰ ἐκ τῆς Πολιτείας. Theophrastus likewise wrote an ἐπιτομὴ τῆς Πλάτωνος Πολιτείας, in two books.—*Ib.* v. 43.

(24) 'Atqui si quæres, ego quid expectem : quoniam scriptum est a te de optimo reipublicæ statu, consequens esse videtur ut scribas tu idem de legibus. Sic enim fecisse video Platonem illum tuum, quem tu admiraris, quem omnibus anteponis, quem maxime diligis.'—*De Leg.* i. 5. 'Sed ut vir doctissimus fecit Plato, atque idem gravissimus philosophorum omnium, qui princeps de republicâ conscripsit, idemque separatim de legibus ejus, id mihi credo esse faciendum, ut priusquam ipsam legem recitem, de ejus legis laude dicam.'—*Ib.* ii. 6.

A supposed dialogue of Diogenes with Plato, in which the former reproaches the latter with the inutility of writing a work on laws, after his work on the republic, is given in Stob. *Anth.* xiii. 37.

(25) *Pol.* iv. 1.

he expressly declares, can never be realized.(26) In the *Republic*, the form of the perfect government is not distinctly specified. It is an *aristocracy*,(27) that is, a government of the best men in the community; but one of these best men—these philosophers, according to the Platonic conception—is, by some process which is not described, to be appointed for a time *king*, with unlimited powers.(28) The aristocracy, or best form of government, is, therefore, the government of an absolute king. In this respect, the views of Plato agree with those of Xenophon, as set forth in the *Cyropædia*. In the ideal state of the *Laws*, these views are somewhat modified. This commonwealth—a supposed colony in the island of Crete—is to be a golden mean between monarchy and democracy;(29) it is to be governed by a council

(26) *Rep.* v. 18, p. 473; vi. 12, p. 499; vii. 17, p. 540. Marcus Antoninus always had in his mouth the saying of Plato: 'Florere civitates si aut philosophi imperarent, aut imperatores philosopharentur.'—Jul. Capitolin. c. 27. Compare also the account of the Platonic philosophers in the reign of Justinian, who, according to Agathias (*Hist.* ii. 30), expected to find in Persia the ideal excellences of the Platonic commonwealth reduced to reality: *ὡς εἴη παρ' ἐκείνοις δικαιότατον μὲν τὸ ἄρχον, καὶ ὁποῖον εἶναι ὁ Πλάτωνος βούλεται λόγος, φιλοσοφίας τε καὶ βασιλείας ἐς ταὐτὸ συνελθούσης.*

(27) *Rep.* viii. 2, p. 554.

(28) The ideal state is a *βασιλεία*, *Rep.* viii. *ad init.* p. 543. Royalty is at the head of the five forms of government enumerated by Plato, viz.:

1. *βασιλεία.*
2. *τιμοκρατία*, the government of ambition, equivalent to the Cretan and Lacedæmonian constitution.
3. *ὀλιγαρχία.*
4. *δημοκρατία.*
5. *τυραννίς.*

See *Rep.* viii. 1 and 2, p. 544-5; and ix. 6, p. 580. The same governments (with the exception of the second) are mentioned ix. 11, p. 587, where *ἀριστοκρατία* and *βασιλεία* are identified.

The *τιμοκρατία* of Plato, the government of honour (*Rep.* viii. 2), must be distinguished from the *τιμοκρατία* of Aristotle, the government founded upon the *τίμημα*, or valuation of property. In *Rep.* vii. 17, p. 540, he speaks of one or several true philosophers ruling the perfect state.

According to Ritter, *Geschichte der Philosophie*, vol. ii. p. 444, the ideal republic of Plato is an absolute royalty, or a monarchical kingdom. In the *Laws*, an *ἀριστοκρατία* is said to be an imitation of the reign of Saturn upon earth, or the golden age.—*Leg.* iv. p. 713. In iii. 4, p. 681, the word *ἀριστοκρατία* is nearly equivalent to *ὀλιγαρχία*. But in iv. 5, p. 712, aristocracy and oligarchy are distinguished, as in *Rep.* viii. 3, p. 547.

(29) *Leg.* vi. 5, p. 756.

and various magistrates, of whom thirty-seven nomophylaces are the chief.(30)

In the first ideal state, or that of the republic, the free community is divided into three classes—the guardians, the fighting men, and the artisans.(31) The most characteristic institution of the Platonic state, however, is, that there is a community of women, children, and goods. The grounds of this institution are developed at great length, and with a manifest predilection, under the person of Socrates, in the *Republic*.(32) In the *Laws*, likewise, where a gradation of ideal states, and three degrees of comparison, are admitted, the absolutely best or perfect state is described as characterized by the absence of all appropriation, and by the community of women, children, and goods.(33) Plato is a complete communist; and Aristotle, in criticizing his ideal state, considers its communist doctrines as its principal feature.(34) At the same time, like all the other speculative politicians of antiquity, he retains slavery.(35) The state or government likewise exercises an extensive and searching control over the expression of opinion on religious subjects, and on the acts of the gods, through the medium of poetry. Hence, poets are placed under severe restrictions.(36) It moreover regulates the whole system of education. All free children are the children of the state.

(30) *Leg*. vi. 2, p. 753.

(31) *Rep*. iv. 10, p. 434. (32) *Rep*. v.

(33) *Leg*. v. 9, 10, p. 739. The plan of community of goods and women, under the imaginary gynæcocracy of Athens, is humorously described by Aristophanes.—*Eccles*. 555-709. Many of the real objections to the system are suggested in the course of the dialogue.

(34) Compare the excellent remarks on community of goods in *Pol*. ii. 5, beginning εὐπρόσωπος μὲν οὖν ἡ τοιαύτη νομοθεσία.

'All the arguments of Socrates in the *Republic* (says Aristotle) are distinguished by their brilliancy, neatness, and originality, and their analytic spirit; but it is hard to possess every sort of excellence.'—*Ib*. c. 6.

(35) *Leg*. vi. 19, p. 777. Above, p. 28, iii. 30, p. 690, he enumerates the dominion of masters over slaves among the seven fundamental axioms of government. For Plato's legislation respecting homicide of slaves by freemen, and homicide and wounding of freemen by slaves, see *Leg*. ix. 9, p. 868, 869; ix. 11, p. 872; ix. 15, p. 879. Compare *Politicus*, c. 46, p. 309.

(36) As to the sorts of poetry which are to be admitted, see *Rep*. ii. 17-21, p. 377-383; x. 7, p. 606-7. Plato speaks of the old quarrel between

Plato conceives the conditions or groundwork of his state as purely ideal.(37) In the *Republic*, he identifies it with no actual community—he assigns to it neither place nor time. In the *Laws*, he imagines a new colony in Crete; but the community is not yet formed, and its basis is altogether hypothetical. He does not, like Xenophon, idealize a real model, but he builds upon a purely imaginary foundation. He describes the conditions of his state under the image of a pure tablet ready to receive a painting, or a model in wax,(38) and the state itself as an ideal pattern,(39) which can only be realized when certain circumstances, which never have occurred, shall occur. In another place, he compares his ideal state with a description of a dream;(40) and he more than once assimilates it to a mythical legend.(41) If it is nowhere on the earth, he says, there is an archetype of it

philosophy and poetry, *ib.* x. 8, p. 607. See also, *Leg.* iv. 9, p. 719—vii. 9, p. 801, in which last passage a board of licensers, or censors, of poetical publications is instituted. Orators were expelled by most ancient writers from the perfect state, see Spengel, *Artium Scriptores*, p. 22. Compare Ammian. xxx. 4. According to Ritter (*ib.* vol. ii. p. 439-43), the two chief defects of the Platonic state are—1, that the action of the state is too comprehensive; 2, that men are treated as mere members of classes, and not as substantive individuals.

The first of these criticisms is just; but the fault is not peculiar to Plato. It is common, more or less, to all Utopianists. The justice of the latter is more doubtful; a political theorist must look at men in the aggregate, and not as single individuals.

(37) Compare Brandis, *Gesch. der Gr. Röm. Phil.* vol. ii. p. 540; Ritter, *ib.* vol. ii. p. 457.

(38) *Rep.* vi. 13, p. 501; *Leg.* v. 14, p. 746.

(39) He calls it a *παράδειγμα.*—*Rep.* v. 17, p. 472; cf. vi. 13, p. 500; *Leg.* i. 7, p. 632; v. 10, p. 739; v. 14, p. 746. It is a *μέλλουσα ἄκρως οἰκεῖν πόλις*, in *Rep.* viii. *ad init;* a *καλλίπολις*, vii. 9, p. 527. In ii. 21, p. 383, a model institution is called a *τψπος*. In the *Timæus*, c. i. p. 17, the scope of the dialogue of the *Republic* is stated by Socrates to be, to determine how, and of what sort of men, the best state could be formed. In *Leg.* iii. 16, p. 702, he says: *ταῦτα γὰρ πάντα εἴρηται τοῦ κατιδεῖν ἕνεκα πῶς ποτ' ἂν πόλις ἄριστα οἰκοίη.* *Ib.* v. 9, 10, p. 739, he makes three stages of ideal governments—the good, better, and best. *Ib.* vii. p. 801, a pattern law is an *ἐκμαγεῖον*, a model or die, from which an impression is taken.

(40) *Leg.* v. 14, p. 746: *οἷον ὀνείρατα λέγων, ἢ πλάττων καθάπερ ἐκ κηροῦ τινὰ πόλιν καὶ πολίτας.*

(41) *Leg.* i. 7, p. 632: *πειρασόμεθα αὐτὸ παράδειγμα θέμενοι καὶ τἆλλα οὕτω διαμυθολογοῦντες παραμύθια ποιήσασθαι τῆς ὁδοῦ.* vi. i. p. 752: *κατὰ τὴν παροῦσαν ἡμῖν τὰ νῦν μυθολογίαν.*

in heaven.(42) These expressions suffice to characterize his purely ideal conception of his problem. But, though he admits that the conditions for his perfect state are hard to realize, he does not consider them beyond the limits of possibility: he contemplates, as a possible occurrence, the reduction of his imaginary institutions into practice.(43)

The form of a dialogue, which Plato has given to both his descriptions of a perfect state, is favourable to uncertainty and indefiniteness of meaning; and, accordingly, the frame of the first Platonic state, and the whole constitution and system of its government, are (as Aristotle remarks) only sketched in general terms, not filled up by a detailed and precise description.(44) In the second Platonic state, the specification is more minute; but the picture, though full of details, is wanting in life and colour.(45)

(42) *Rep.* ix. *ad fin.* p. 592.

(43) *Rep.* vi. 13, p. 502: *νῦν δὴ, ὡς ἔοικε, ξυμβαίνει ἡμῖν περὶ τῆς νομοθεσίας ἄριστα μὲν εἶναι ἃ λέγομεν, εἰ γένοιτο, χαλεπὰ δὲ γενέσθαι, οὐ μέντοι ἀδύνατά γε.* *Ib.* vii 17, p. 540: *ξυγχωρεῖτε περὶ τῆς πόλεώς τε καὶ πολιτείας μὴ παντάπασιν ἡμᾶς εὐχὰς εἰρηκέναι, ἀλλὰ χαλεπὰ μὲν, δυνατὰ δέ πῃ.* In v. 18, p. 473, he says that the coincidence of philosophy and political rule will alone enable his state to become a possible creation, and to see the light of the sun.

In *Rep.* ix. *ad fin.*, it is said that the politician cannot expect to find the ideal state, as described by Socrates, in any actual country on the face of the earth. There is a type (or idea) of it in heaven, which he who wishes may behold, and, when he has beheld it, he may chuse his habitation accordingly. It is, however, indifferent to him whether the ideal state exists somewhere, or will exist hereafter, as he cannot take part in the affairs of any other state. In the *Timæus*, c. 3, p. 19, Socrates, referring to the dialogue of the *Republic*, expresses a wish to see the perfect state in action. As to Plato's conception of his ideal problem, see Stallbaum's *Dissertation*, prefixed to his edition of the *Republic*, p. xlvii.-lii.

(44) *οὐ μὴν ἀλλ' οὐδὲ ὁ τρόπος τῆς ὅλης πολιτείας τίς ἔσται τοῖς κοινωνοῦσιν, οὔτ' εἴρηκεν ὁ Σωκράτης οὔτε ῥᾴδιον εἶπειν.*—Aristot. *Pol.* ii. 5. Again, c. 6, *καὶ γὰρ ἐν τῇ Πολιτείᾳ περὶ ὀλίγων πάμπαν διώρικεν ὁ Σωκράτης.*

A Venetian priest, named John Sozomen, a native of Cyprus, who lived in the seventeenth century, made a Latin version of the *Republic* of Plato, in which he reduced it into a continuous discourse, by taking it out of the dialogue form. See Bayle, *Dict.* in v. This change (says Bayle) 'rend l'ouvrage plus clair et plus court.'

As to the desultory nature of the dialogue style, compare the passage in *Leg.* iii. 5, p. 682: *ὅθεν δὴ κατ' ἀρχὰς ἐξετραπόμεθα περὶ νόμων διαλεγόμενοι, περιπεσόντες μουσικῇ τε καὶ ταῖς μέθαις, νῦν ἐπὶ τὰ αὐτὰ πάλιν ἀφίγμεθα ὥσπερ κατὰ θεόν.*

(45) The *Laws* of Plato were a later work than the *Republic;* they were written when he was an old man, and published after his death (see

Nevertheless, although the discussion is desultory, and the materials arbitrary and ideal, Plato is unable to escape from the law which binds the most elastic and discursive imagination. He is unable to emancipate himself from those conditions of possibility to which he had been accustomed: all his ideal creations breathe a Greek atmosphere. Though he declares that his archetype is in heaven—though he inscribes his ideal state upon a *tabula rasa*—though he moulds it out of virgin wax—though it exists nowhere upon earth, yet the image present to his mind is that of a small Hellenic commonwealth,(46) with a few thousand free citizens and a class of slaves, and with all the peculiarities of Greek religion, poetry, education, music, and gymnastics. These assumptions, however natural they might seem to a Greek, strike every modern

above, n. 17). The *Republic* had doubtless been published during his life (see the story in Gell. *N. A.* xiv. 3); and, considering the state of Greek literature at that time, it was a work calculated to make a profound impression on the mind of any Athenian imbued with the slightest tincture of philosophy. It is probable, therefore, that its success induced Plato to write a second work on the same subject, treating the problem in a different manner. The dialogue of the *Laws* occupies a wholly original and independent ground; the interlocutors and circumstances are different from those of the *Republic*, and it contains no express reference or allusion to the previous work, though the same opinions and institutions are often reproduced. The name of Socrates does not occur in the entire dialogue. Literary history presents several examples of authors, who, having written a good book on a certain subject, have proceeded to write a second book, of inferior merit, on the same subject. The dialogue of the *Laws* contains passages worthy of its author; but the detailed description of the ideal legislation wants the speculative tendencies of the *Republic*, while it is necessarily without the vitality which belongs to a practical scheme. Brandis attributes its deficiencies either to the old age of the author, or to the barren and intractable nature of the problem.—*Geschichte der Griechisch.-Röm. Phil.* vol. 2, p. 552. The latter explanation seems to me the most probable. The introductory scholion to the *Laws* calls the *Republic*, as distinguished from the *Laws*, *ἡ μεγάλη Πολιτεία*.

(46) The Platonic state is to be of moderate dimensions, neither large nor small. A thousand men-at-arms will suffice for its defence.—*Rep.* iv. 2, 3, p. 423. According to the constitution of the second state (which, out of condescension to the weakness of human nature, permits property), there are to be 5400 landowners (*Leg.* v. p. 737, 740, 745), whose lots of land are not to be aliened.—*Ib.* p. 741. Aristotle considers this number of landowners enormous, and says it will require a territory as large as that of Babylon to support so many persons, with their wives and servants, in idleness.—*Pol.* ii. 6. All the citizens in Plato's state, both male and female, are likewise to mess together at public tables (syssitia). Compare Schleiermacher's *Introduction to Plato*, p. 359, 365, 381. Dobson's transl. Ritter, *ubi sup.* vol. ii. p. 434, 450.

reader, and prove how difficult it is to make an ideal state truly ideal. Like Icarus, in his own mythology, the great idealist is unable to sustain his soaring flight, and is drawn down to the earth by the irresistible law of his mental nature.

§ 11 The chronological interval between the political dialogues of Plato, and the political treatise of Aristotle, is not great—probably not much more than a quarter of a century.(47) The scientific interval is, however, immense. Aristotle regarded politics as a positive science, like natural history, founded on experience. He attempted to describe the nature of a political community, and of political government, and to derive a series of general theorems as to the characteristics of the several forms of government and the causes of their preservation or destruction, from observed facts. A large part of his treatise is purely scientific, and attempts neither to lay down practical maxims, nor to construct pattern institutions. Even Aristotle, however, proposes the problem of the perfect state as the scope of his treatise; and he considers the scientific materials of his system as a mere substratum, upon which the ideal superstructure is to be raised.

In the conclusion of his treatise on *Ethics*,(48) Aristotle adverts to the influence of a state-education and of the civil laws upon moral character. He then announces his intention of treating the subject of legislation and of the state, or political government in general, in order that, so far as was in his power, the philosophy of human affairs might be completed.(49) For this purpose, he sketches the contents of his treatise on *Politics*, which is to follow his *Ethics*, and to form a part of the same philosophical series. First, he is to recite all plans of government formed by his predecessors which are deserving of attention; next, from the various constitutions thus brought

(47) Aristotle was born fifteen years after the death of Socrates. He was forty-six years younger than Plato, and survived him twenty-five years.

(48) See *Eth. Nic.* x. 10, *ad fin.*

(49) *ὅπως εἰς δύναμιν ἡ περὶ τὰ ἀνθρώπινα φιλοσοφία τελειωθῇ.*—*Ib.* Compare the first chapter of the *Meteorologics*, where he traces out his encyclopædia of physics.

together, he is to consider what are the circumstances which preserve and destroy each form of government, and for what reasons some states are well, and others ill governed. Having ascertained these matters, he hopes to be able to discover which form of government is the best; how each government is to be ordered, and what laws and customs it must possess in order to fulfil this condition.(50)

Such is the announcement at the close of the *Ethics*, with which the actual plan of the *Politics*, as executed by him, on the whole coincides. After an introductory book upon the nature of political, as distinguished from domestic government, he proceeds to examine the plans of an ideal or perfect state, proposed by Plato and others;(51) after which he analyses those real models—particularly the Spartan and Cretan constitutions—which the ancient politicians considered as approaching nearest to an ideal perfection.(52) Having, in the third book, investigated the nature of a state, and the differences between the forms of a government, he returns to the problem of the best constitution.(53) On this subject, he lays it down that it is the business of the same science to consider, what is absolutely the best form of government; what one would wish, supposing that no impeding circumstances existed; and what form of government suits a given community. To these two he adds a third ideal problem, viz., to consider how a given constitution ought to have been originally framed; and, if so framed, would have been preserved for the longest time. Lastly, he says it is necessary to know that form of government which is best suited to the generality of states.

(50) Compare *Eth. Nic.* v. 10. ὁμοίως δὲ καὶ τὰ μὴ φυσικὰ ἀλλ' ἀνθρώπινα δίκαια οὐ ταὐτὰ πανταχοῦ, ἐπεὶ οὐδ' αἱ πολιτεῖαι, ἀλλὰ μία μόνον πανταχοῦ κατὰ φύσιν ἡ ἀρίστη.

(51) See *Pol.* i. *ad fin.*; and ii. *ad init.*

(52) With respect to the real models, there are (he says) two questions: 1, what is its relation to the ideal type? 2, whether its laws have been made in accordance with the end proposed for the constitution? ii. 9, *ad init.* The real constitutions, alleged as models, are called by Aristotle κυρίαι (as we might say, masterpieces), as opposed to those ὑπό τινῶν εἰρημέναι, or ideal models, ii. 12, *ad fin.*

(53) See b. iii. *ad fin.*

Most of the writers on politics, he adds, whatever their merits may be, fail in producing anything useful. For it is necessary to consider, not only what is absolutely the best constitution, but also what is possible; and, in like manner, that which is most easily applied to any state.(54) Whereas the writers in question

(54) Aristotle remarks on the remoteness of the Platonic institutions from those of all actually-existing states.—*Pol.* ii. 7, *ad init.* Cicero describes the Platonic state as 'præclara illa quidem fortasse, sed a vitâ hominum abhorrens et a moribus.'—*Rep.* ii. 11.

Plutarch contrasts the practical influence of Alexander, in extending Greek institutions over Asia, with Plato, who, having written one republic, never was able, on account of its severe character, to induce anybody to use it in practice.—*De Alex. Fort.* i. 5. The Platonic state (says Athenæus, xi. p. 508 B) may be better than all others; but what does this serve if no one makes use of it? Plato seems to have composed his laws for imaginary, and not for real men. He ought to have made such laws as men would adopt; he ought to have imitated those who aim at possibilities, and not those who frame their views according to their wishes. Plato is, indeed, said to have asked Dionysius the Younger to give him a territory, with inhabitants, to be formed into a state according to his ideal model.—Diog. Laert. iii. 21. The Arcadians and Thebans are also reported to have called in the assistance of Plato at the foundation of Megalopolis, which he refused, on the ground that they did not wish for equality.—*Ib.* 23; Ælian, *V. H.* ii. 42. A similar story is told of the Cyrenæans, with a different ground of refusal, in Plutarch, *ad Princ. Inerudit.* c. i. All these accounts of Plato's connexion with practical legislation are probably apocryphal. They are so regarded by Ast, *ib.* p. 392. Aristides says that Plato's reputation was not great during his life: *Πλάτωνος οὐ πολὺς ἦν λόγος ἐπ' αὐτοῦ Πλάτωνος, ἀλλ' ὕστερον πρού βη δόξα*, *Orat.* xxvii. vol. 1. p. 549, ed. Dindorf.

Porphyry states that Plotinus, who was in favour with the Emperor Gallienus, petitioned him to rebuild a city in Campania, said to have been inhabited by philosophers, but then in ruins, and to grant the neighbouring land to the city, with the intention that its future inhabitants should use the laws of Plato, and its name be Platonopolis. He promised to retire to this city with his companions, and his petition would have been granted, if some of the emperor's favourites had not interfered.—*Vit. Plotin.* c. 12 (prefixed to the Oxford edition of the works of Plotinus, 3 vols., 4to, 1835). According to Diog. Laert. v. 4, Aristotle legislated for his native city, Stagira, when it was restored by Alexander. Compare Plut. *Alexand.* 7, where the restoration seems to be ascribed to Philip.

The constitution of Carolina was drawn by Locke, in 1669, under the superintendence of Lord Shaftesbury: it was promulgated as law, but never fully acted on; and it was finally abrogated in 1693. In the strangeness of its combinations, and the complexity of its legislation, it somewhat resembled the ideal states, such as Oceana. At the head of the government was an officer styled a palatine, and there were two classes of hereditary nobility, styled landgraves and caciques. It prohibited hired advocates, and written comments on the constitution. See Grahame's *Hist. of the United States*, vol. ii. p. 84-90, 136; and Bancroft's *Hist. of the U. S.* c. 13. It was the subject of the highest encomiums at its first promulgation, and it was treated as a 'sacred and unalterable instrument,' which was to endure for ever.

either seek after the highest type of perfection, for which many conditions, hard of attainment, are necessary; or else, they take some real pattern, such as the Lacedæmonian, and propose to substitute it for every existing constitution.(55) In resolving this problem, Aristotle enters into a detailed investigation of the positive characteristics of the several forms of government—an inductive and purely scientific analysis, which constitutes the most valuable portion of his work. Having completed this survey of positive phenomena, he returns, at the beginning of the seventh book, to his ideal problem. Before commencing the solution, he lays it down that certain hypothetical conditions, respecting the matter proper to the politician, must be assumed. These may be taken according to what seems desirable, but they must, nevertheless, be within the limits of possibility.(56) He then proceeds to enumerate, first, the physical conditions—as population, territory, vicinity to sea, race of inhabitants, &c., and afterwards the political conditions, as to constitution and legislation, including a state education, which are requisite for the best form of government. This inquiry, by which the scientific and precise philosopher at times manifestly feels himself embarrassed,(57) and from which he derives few satisfactory results, concludes the

(55) As to a constitution suited to an average state, and not requiring difficult and rare conditions, see likewise iv. 11. *ad init.* On the relation of *ἀριστοκρατία* and *ὀλιγαρχία*, according to Aristotle's views, see iii. 7, iv. 2; and as to the relation of *βασιλεία* to the best government, iii. 15, 16.

(56) *διὸ δεῖ πολλὰ προϋποτεθεῖσθαι καθάπερ εὐχομένους, εἶναι μέντοι μηθὲν τούτων ἀδύνατον*, vii. 4. Lower down he says, *τῷ πολιτικῷ καὶ τῷ νομοθέτῃ δεῖ τὴν οἰκείαν ὕλην ὑπάρχειν ἐπιτηδείως ἔχουσαν.* The expression *κατ' εὐχὴν*, such a government as one would wish or pray for, is used elsewhere by Aristotle, ii. 1. *ad init.* iv. 1, and appears to be borrowed from Plato, *Rep.* vi. 12, p. 499.

(57) Compare viii. 7, *ad fin.* *περὶ μὲν οὖν τῶν πολιτευομένων, πόσους τε ὑπάρχειν δεῖ καὶ ποίους τινὰς τὴν φύσιν, ἔτι δὲ τὴν χώραν πόσην τέ τινα καὶ ποίαν τινὰ, διώρισται σχέδον· οὐ γὰρ τὴν ἀκριβείαν δεῖ ζητεῖν διά τε τῶν λόγων καὶ τῶν γιγνομένων διὰ τῆς αἰσθήσεως.*

Again, after some details upon the best sites for market-places, gymnasia, public offices, temples, &c., he adds: *ἀλλὰ τὸ διατρίβειν νῦν ἀκριβολογουμένους καὶ λέγοντας περὶ τῶν τοιούτων ἀργόν ἐστιν. οὐ γὰρ χαλεπόν ἐστι τὰ τοιαῦτα νοῆσαι, ἀλλὰ ποιῆσαι μᾶλλον· τὸ μὲν γὰρ λέγειν εὐχῆς ἔργον ἐστὶ, τὸ δὲ συμβῆναι τύχης.* This remark applies with great force to some of the later books of Plato's *Laws*, as well as to other Utopian plans.

treatise.(58) Aristotle's political treatise, therefore, like the *Republic* and *Laws* of Plato, is a search after the best form of government. The material difference in the treatment of the problem is this, that whereas, in Plato, the ideal element predominates over the scientific, in Aristotle, the scientific element predominates over the ideal; and that, whereas one is in the constructive form of an ideal state, and appears to deal with singulars, the latter treats of the best form of government, and deals with generals.

§ 12 Greek philosophy produced nothing important and original in the speculative department of politics after Plato and Aristotle.(59) Both the Stoic and Epicurean sects confined themselves almost exclusively within the circuit of logic, physics, and ethics. Zeno, indeed, the founder of the Stoic sect, proposed his ideal model of political perfection, namely, that mankind should not live in separate states, each having its own institutions, but that all men should be fellow-citizens, and form, as it were, one flock, with one mode of life and one system of law.(60)

§ 13 The Romans opened a new vein of thought in practical politics, and have even bequeathed a system of jurisprudence to the modern world. But in political speculation they were mere imitators and followers of the Greeks. Cicero, as we have already seen, wrote two political treatises,(61) after the model of

(58) Biese (*Philosophie des Aristoteles*, vol. ii. p. 532-72) gives a summary of the physical and political conditions for the perfect state of Aristotle. See also Ritter, *ubi sup*. vol. iii. p. 371; and Nickes, *De Aristotelis Politicorum Libris* (Bonn, 1851), c. 5.

(59) Above, ch. iii. § 7. Theophrastus wrote a treatise, *περὶ τῆς ἀρίστης πολιτείας*, and another on the question, *πῶς ἄριστ' ἂν πόλις οἰκοῖτο*.—Diog. Laert. v. 44, 49. Cicero alludes to his having written on the question, 'qui esset optimus reipublicæ status.'—*De Fin*. v. 4.

(60) Plutarch, *De Alexand. Fort*. i. 6: τοῦτο (says Plutarch) *Ζήνων μὲν ἔγραψεν ὥσπερ ὄναρ ἢ εἴδωλον εὐνομίας φιλοσόφου καὶ πολιτείας ἀνατυπωσάμενος*. Compare Ritter, *Gesch. der Phil*. vol. iii. p. 635.

(61) Cicero, in enumerating his writings, at the beginning of the second book of his treatise *De Divinatione*, thus speaks of his work *De Republicâ*: 'Atque his libris adnumerandi sunt sex *de Republicâ*, quos tunc scripsimus, quum gubernacula reipublicæ tenebamus. Magnus locus, philosophiæque proprius, a Platone, Aristotele, Theophrasto, totâque Peri-

the *Republic* and *Laws* of Plato. They were composed with a view of applying the theories of the Greek philosophers to Roman affairs; of illustrating the institutions of Rome by the abstract doctrines of the Greek political speculators.(62)

The problem which Cicero undertakes to solve, in his dialogue *De Republicâ*, is to determine what is the best form of government.(63) He decides that each of the simple forms, viz. the government of a king, the government of *optimates* or nobles, and popular government, is defective. Instances may occur in which one of these simple forms is tolerable, and one may be better than another, but none is perfect or excellent.(64) If any simple, and unmixed

pateticorum familiâ tractatus uberrime.'—ii. 1. Compare *De Leg.* iii. 6. The work was written in the year 54 B.C. It had great success, *Ep. ad Div.* viii. 1, *ad fin.* The treatise *De Legibus* was composed three years afterwards, 51 B.C. See Drumann, *Geschichte Roms.* &c., vol. vi. p. 83-7, 104-7. The Emperor Alexander Severus, when the business of the day was over, used to study the *Republic* of Plato, and the *Republic* and *Offices* of Cicero.—Lamprid. in Vit. c. 30.

(62) See Mai, præf. ad *Rep.* p. iii. Ritter remarks upon the want of originality in Cicero's two political works (vol. iv. p. 164-8). Their value consists in his comments upon the constitution and legislation of Rome, subjects on which he speaks with the highest authority.

(63) 'Scipionem rogemus, ut explicet quem existimet esse optimum statum civitatis' (i. 20). It is the same problem as that proposed by the Greek writers: τίς ἀρίστη πολιτεία. In the dialogue *De Legibus*, Atticus says, in allusion to the dialogue *De Republicâ*: 'Quoniam scriptum est a te de optimo reipublicæ statu.'—i. 5. Again, he says (*De Leg.* iii. 2), 'Nos autem, quoniam leges damus liberis populis; quæque de optimâ republicâ sentiremus, in sex libris ante diximus; accommodabimus hoc tempore leges ad illum, quem probamus, civitatis statum.' Again (iii. 5): 'Atqui pleraque dicta sunt in illis libris; quod faciendum fuit, quum de optimâ republicâ quæritur.' In a letter to his brother, he describes himself as engaged in the composition of the dialogue *De Republicâ*, and as uncertain about the plan of the work: 'Sermo autem in novem et dies et libros distributus de optimo statu civitatis et de optimo cive.'—*Epist. ad Quint. Frat.* iii. 5.

(64) 'Quum penes unum est omnium summa rerum, regem illum unum vocamus, et regnum ejus reipublicæ statum. Quum autem est penes delectos, tum illa civitas optimatium arbitrio regi dicitur. Illa autem est civitas popularis, sic enim appellant, in quâ in populo sunt omnia. Atque horum trium generum quodvis non perfectum illud quidem neque meâ sententiâ optimum, sed tolerabile tamen; ut aliud alio possit esse præstantius.'—i. 26. Primum enim numero definieram genera civitatum tria probabilia; perniciosa autem tribus illis totidem contraria; nullumque ex eis unum esse optimum; sed id præstare singulis quod e tribus primis esset modice temperatum, ii. 39. The three pairs of forms of government —a good and a bad in each—are borrowed from Aristotle.

government is deserving of approbation, it is the regal form.(65) The government of an absolute king is liable to degenerate into tyranny; but so long as he governs with wisdom and justice, it is preferable to the other two.(66) The best form of all, however, is that which is mixed of the three simple forms, in which the ruling power is divided between the king, the *optimates* or nobles, and the people. Each of the simple forms, however good, is liable to its characteristic degeneracy: it contains within itself the seeds of change into evil. A king may become a despot; a body of nobles may become a faction; a people may become a mob—but a mixed government, by the mutual action of its component elements, is able to maintain its equilibrium, and to resist the tendency to depravation.(67)

(65) 'Si unum ac simplex probandum sit, regium probem atque in primis laudem' (i. 35; also, i. 45). 'Nam ipsam regale genus civitatis non modo non est reprehendendum, sed haud scio an reliquis simplicibus longe anteponendum, si ullum probarem simplex reipublicæ genus.'—ii. 23.

(66) Cicero falls into confusion by using the term royalty instead of monarchy. Hence he loses the logical advantage, enjoyed by Plato, who calls the good monarch a king, and the bad monarch a τύραννος, or despot. See his remark on the Greek phraseology.—*Rep.* ii. 26.

Cicero follows Plato in approving of royalty; but he is perplexed by the proneness of the absolute king to govern ill. See ii. 23, 26; iii. 35. It is a 'bonum, ut dixi, reipublicæ genus, sed tamen inclinatum et quasi pronum ad perniciosissimum statum.'—ii. 26. Compare *Tusc. Disp.* iv. 1, where, in reference to Rome, he says that 'progressio admirabilis incredibilisque cursus ad omnem excellentiam factus est, dominatu regio republicâ liberatâ.' Compare Sallust, *Cat.* 7. Sp. Mummius, however, one of the interlocutors in the dialogue, prefers the government of the good few, to the government of a single king, which reminds him of a slave-master (dominus). He prefers, however, even an absolute king to a democracy.—iii. 34.

(67) 'Itaque quartum quoddam genus reipublicæ maxime probandum esse sentio, quod est ex his, quæ prima dixi, moderatum et permixtum tribus' (i. 29). 'Recte quæris, quid maxime e tribus: quoniam eorum nullum ipsum per se separatum probo; anteponoque singulis illud, quod conflatum fuerit ex omnibus' (*ib.* 35). 'Quod ita quum sit, tribus primis generibus longe præstat, meâ sententiâ, regium; regio autem ipsi præstabit id, quod erit æquatum et temperatum ex tribus optimis rerumpublicarum modis.' He proceeds to say, that each of the simple forms is liable to change and depravation; but he adds: 'Hoc in hâc junctâ moderateque permixtâ conformatione reipublicæ non ferme sine magnis principum vitiis evenit' (i. 45). 'Statu esse optimo constitutam rempublicam, quæ ex tribus generibus illis, regali et optimati et populari confusa modice, nec puniendo irritet animum immanem ac ferum' ii. 23 (the latter passage is a fragment preserved by Nonius). Compare ii. 9, 39; iii. 14; *Leg.* iii. 5, where the doctrine of Scipio in the dialogue *De R. P.* is referred to.

As an example of his views respecting the best form of government, Cicero selects the positive instance of the Roman state, which substantial and actual model he considers as preferable to any ideal and shadowy type, such as that of Plato;(68) and he accordingly traces its constitutional history from Romulus downwards.

The dialogue of the *Laws*, like that of the *Republic* of Cicero, has only reached us in an imperfect state. Out of five or six

(68) 'Facilius autem quod est propositum consequar, si nostram rempublicam vobis et nascentem et crescentem et adultam et jam firmam atque robustam ostendero; quam si mihi aliquam, ut apud Platonem Socrates, ipse finxero' (ii. 1). 'Nam princeps ille (Plato) quo nemo in scribendo præstantior fuit, aream sibi sumpsit, in quâ civitatem extrueret arbitratu suo; præclaram quidem illam fortasse, sed a vitâ hominum abhorrentem et a moribus. Reliqui disseruerunt, sine ullo certo exemplari formâque reipublicæ, de generibus et de rationibus civitatum. *Tu mihi videris utrumque facturus;* es enim ita ingressus, ut, quæ ipse reperias, tribuere aliis malis, quam ut facit apud Platonem Socrates, ipse fingere; et illa de Urbis situ revoces ad rationem, quæ a Romulo casu aut necessitate facta sunt; et disputes non vaganti oratione, sed defixâ in unâ republicâ. Quare perge, ut instituisti: prospicere enim jam videor te reliquos reges persequentem *quasi perfectam rempublicam*' (ii. 11). This passage well illustrates the difference between the purely ideal model, and the real model partially idealized. Again (in c. 30) speaking of Plato, he contrasts the two sorts of models: 'Ego autem, si quo modo consequi potuero, rationibus eisdem, quas ille vidit, *non in umbrâ et imagine civitatis*, sed in amplissimâ republicâ enitar, ut cujusque et boni publici et mali caussam tamquam virgulâ videar attingere.' Again (c. 39): 'Quod autem exemplo nostræ civitatis usus sum, non ad definiendum optimum statum valuit; nam id fieri potuit sine exemplo; sed ut a civitate maximâ reapse cerneretur quale esset id, quod ratio oratioque describeret.'

The description of the Roman state, as an example of an excellent government, in the dialogue *De Republicâ*, is alluded to in *Tusc. Disp.* iv. 1. The opinion that the Roman constitution is the 'optimus longe status civitatis,' is referred to in *Rep.* i. 21. Compare likewise the passage in the dialogue *De Legibus*, iii. 5:—

'*Q.* Quam brevi, frater, in conspectu posita est a te magistratuum descriptio: sed ea pæne nostræ civitatis: etsi a te paullum allatum est novi.

'*M.* Rectissime, Quinte, animadvertis. Hæc est enim, quam Scipio laudat in libris et quam maxime probat temperationem reipublicæ: quæ effici non potuisset, nisi tali descriptione magistratuum. Nam sic habetote; magistratibus, iisque qui præsunt, contineri rempublicam, et ex eorum compositione, quod cujusque reipublicæ genus sit, intelligi. Quæ res quum sapientissime moderatissimeque constituta esset a majoribus nostris, nihil habui, sane non modo multum, quod putarem novandum in legibus.'

In this passage, Cicero refers to Scipio in his own *Republic*, as Aristotle refers to Socrates in the *Republic* of Plato. The Roman constitution is treated as an actual model of excellence by Polybius, vi. 18: ὥστε μὴ οἷόν τ' εἶναι, ταύτης εὑρεῖν ἀμείνω πολιτείας σύστασιν.

books, only three, and those not entire, have been preserved. The early part of it is occupied with an inquiry into the nature of law: the latter section contains the outline of a model legislation, founded on the Roman laws, of which the portion extant relates to religion and magistrates. Though there may be little originality in the political philosophy of Cicero, yet he writes on political subjects with the authority derived from his practical experience as a Roman statesman,(69) and he avoids the extravagances of many speculators upon the best government, by adhering closely to a real model.

It appears, therefore, that the entire political speculation of the ancient philosophers substantially took the form of inquiries after the best form of government. Their problem was purely ideal; but, however general their language, and however complete their apparent emancipation from the data of any actual case, they nevertheless, in fact, circumscribed their idea by the conditions of an Hellenic or Italian city community. While they professed to treat their hypothesis *in vacuo*, they in truth immersed it in matter. While they assumed to range through all space, they in truth only took a walk before their own doors. Even Xenophon, in recounting the actions of Cyrus the Great, and painting a supposed historical picture of his empire, cannot avoid representing his Oriental subjects, in part, under the image of the free citizens of a Grecian republic.(70) Plato visibly assumes an Hellenic community as the substratum of his perfect state. Even the views of the scientific and far-sighted Aristotle are bounded by the same horizon; and Cicero, in his political treatises, designedly holds up the Roman state as a model, instead of resorting to pure ideals.(71)

(69) On his advantages over the Greek writers in this respect, see *De Rep.* i. 8: *De Leg.* iii. 6; *Epist. ad Quint. Frat.* iii. 5.

(70) Thus, in *Cyrop.* i. 3, § 17, he speaks of the Median judge *giving his vote*—transferring to Asia the Greek usage.

(71) 'La débile portée de notre intelligence, et la brieveté de la vie individuelle, comparée à la lenteur du developpement social, retiennent notre imagination, surtout à l'égard des idées politiques, vu leur complication supérieure, sous la plus étroite dependance du milieu effectif dans lequel nous vivons actuellement. Même les plus chimériques Utopistes,

§ 14 Besides the philosophers who avowedly constructed an ideal state, there was, in antiquity, a class of writers who attained the same end by the description of a fictitious people, supposed to have a real geographical existence. The invention of imaginary communities dates from the commencement of Greek fiction. The Æthiopes, the Lotophagi, the Phæacians, the Læstrygones, the Cyclopes, the Cimmerians of the *Odyssey*, are all poetical nations, without any place in positive geography.(72) The Hyperboreans and the Amazons, and some of the remote tribes of Herodotus, as the Issedones and the Arimaspians, belong to the same category. These fictions formed a part of the poetical and popular mythology of Greece, and were devoid of any doctrinal purpose, like the kingdom of Prester John, imagined by the early travellers.(73) When, however, the primitive faith of the Greeks in their legendary lore had been shaken by the progress of intelligence, a demand arose for moral tales, under the garb of reality. Hence, Hecatæus of Abdera, a contemporary of Alexander the Great, wrote a description of the innocent and sacred nation of the Hyperboreans, who passed a life of uninterrupted bliss, without toil and without war, in a mild region, situated beyond the cold blasts of the north wind.(74) About

qui croient s'être entièrement affranchis de toute condition de réalité, subissent, à leur insu, cette insurmontable nécessité, en réflétant toujours fidèlement, par leurs rêveries, l'état social contemporain. A plus forte raison, la conception d'un véritable systême politique, radicalement différent de celui qui nous entoure, doit-elle excéder les bornes fondamentales de notre faible intelligence.'—Comte, *Cours de Philosophie Positive*, tom. iv. p. 37.

(72(On these imaginary communities, see Nitzsch, *Anmerkungen zur Odyssee*, vol. iii. pref. p. xxvii. xxxiii. Speaking of the countries related to have been visited by Ulysses, Mr. Payne Knight says: 'Neque serioris ævi geographi, qui eas gentes et regiones inter freta Sicula, Tyrrhena, &c., perquirebant, aliter mihi errasse videntur, quam siquis inter insulas Oceani Australis Gulliverianus istas Lilliput, Blefuscue, &c., perquirere susceperit.' *Prol. ad Hom.* § 49; compare Grote, *Hist. of Gr.* vol. i. p. 334.

(73) Concerning Prester, or Presbyter, John, a supposed Christian king in Central Asia, see Ritter's *Asien*, vol. i. p. 283-99; Gibbon, *Decl. and Fall*, c. 47.

(74) See the fragments of this work of Hecatæus of Abdera, in *Fragm. Hist. Gr.* vol. ii. p. 386; ed. Didot, with the remark of the editor, C. Müller, upon the character of the work. The notion of the Hyperboreans as a sacred people is embodied in the passage of Pindar, *Pyth.* x. 56. See, generally, Ukert, *Geogr. der Gr. und Römer*, iii. 2, p. 393.

the same time, likewise, another writer, calling himself Iambulus, published an account of an imaginary state of happiness and virtue to be found in an island of the Southern Ocean, four months' sail from the land of the Æthiopians.(75) These islanders were four cubits in height, and lived 150 years : the climate was mild throughout the year, and the soil produced spontaneously the means of subsistence. They were free from diseases, and at a fixed age they put themselves to death, by sleeping upon a narcotic plant. They had no marriages, but the women were common; the children were brought up as the offspring of the community ; hence, all incentive to discord was removed, and the people lived in perfect harmony.(76) Euhemerus, likewise, who belonged to the age of Alexander, invented an imaginary island of Panchaia in the far east, the supposed seat of the monuments which, according to his system of interpretation, proved the gods of Greece to have been ancient kings and military leaders.(77) Theopompus, the writer of the history of Philip, also described

(75) A summary of his account is given by Diodorus, ii. 55-60. Compare Lucian, *Ver. Hist.* i. 3. Iambulus (Ἰάμβουλος) appears to be a fictitious name. It does not occur elsewhere as the name of any real person. —See Pape, *Wörterbuch der Griech. Eigennamen*, in v. It is, moreover, formed according to a false analogy. The law of composition in such proper names as Εὔβουλος, Κλεόβουλος, Νικόβουλος, Ἀριστόβουλος, Νεοβούλη, is different. Voss (*De Hist. Gr.* lib. iii. p. 178) inserts Iambulus in his list of Greek historians; with equal justice Jacques Sadeur, Capt. Siden, or Lemuel Gulliver, might be inserted in a list of French or English historians.

(76) The idea of social harmony as the result of community is probably borrowed from Plato's *Republic*. Compare Aristot. *Pol.* ii. 5. There is a curious coincidence between a passage in the description of the Australians of Iambulus, and a passage in Gulliver, which is probably accidental. The mode of writing among the Australian islanders is thus described : *γράφουσι δὲ τοὺς στίχους οὐκ εἰς τὸ πλάγιον ἐκτείνοντες, ὥσπερ ἡμεῖς, ἀλλ' ἄνωθεν κάτω καταγράφοντες εἰς ὀρθόν.*—Diod. ii. 57. Swift, on the other hand, thus describes the mode of writing at Lilliput : 'Their manner of writing is very peculiar, being neither from the left to the right, like the Europeans, nor from the right to the left, like the Arabians, nor from up to down, like the Chinese, but aslant, from one corner of the paper to the other, like ladies in England.'

(77) Plutarch speaks of these records : *ἐν Πάγχοντι γράμμασι χρυσοῖς ἀναγεγραμμένων, οἷς οὔτε βάρβαρος οὐδεὶς οὔτε Ἕλλην, ἀλλὰ μόνος Εὐήμερος, ὡς ἔοικε, πλεύσας εἰς τοὺς μηδαμόθι γῆς γεγονότας, μηδὲ ὄντας Παγχώους καὶ Τριφύλλους, ἐντετυχήκει.*—*De Is. et Os.* c. 23.

The fabulous island in the Erythræan sea, where the monument of king Erythras was said to exist, may perhaps have been the origin of the island Panchaia.—See Curt. x. i.

two imaginary communities of saints and warriors, in a conversation supposed to have been held by Midas and Silenus. The former of these nations lived in peace and plenty; the earth produced them everything without labour, and they were exempt from diseases.(78) The Nephelococcygia of Aristophanes, and the islands described in the *True History* of Lucian, are in a burlesque vein, and are the prototypes of the satirical imaginary states, which modern literature has produced.

§ 15 After the revival of literature, speculators on politics generally followed the treatise of Aristotle, and delivered their doctrines in a positive form. Machiavel and Bodin were acquainted with this work through the medium of Latin translations, and not only borrowed many of its conclusions, but imitated its method. Sir Thomas More, however, in the early part of the sixteenth century, collected his political ideas into the framework of an ideal state, to which he gave the name of Utopia, so called from its not existing in any real place.(79) This work, from the peculiarity of its plan, acquired so much celebrity, that an Utopia has become a common appellative for any imaginary state.(80) Its opinions are humane and mild, as compared with those of the age, and, being written with reference to the then existing state of Europe, it was read with more interest than Plato's *Republic*, which assumed a different condition of the

(78) Ap. Ælian. *V. H.* iii. 18; *Fragm. Hist. Gr.* vol. i. p. 289; ed. Didot. The conversation of Midas and Silenus was placed in Macedonia, Herod. viii. 138. Hence its introduction into the Philippica of Theopompus. Silenus was conceived, not merely as one of the retinue of Bacchus, but also as a prophet and a sage. Aristotle, in his dialogue entitled *Eudemus*, or περὶ ψυχῆς, represented him as imparting lessons of wisdom to Midas.—Plut. *Consol. ad Apollon.* c. 27; Cic. *Tusc. Disp.* i. 48. Compare Virg. *Ecl.* vi.

(79) See Hallam, *Lit. of Europe*, vol. i. p. 387. The first edition appeared in 1515—Dunlop's *History of Fiction*, vol. iii. p. 132.

(80) Respecting the European celebrity of the Utopia soon after its publication, see Cresacre More's *Life of Sir T. More*, p. 49-53. Ortensio Landi, an Italian, who wrote upon inventions about the middle of the sixteenth century (1548), published anonymously, under the appellation of 'a citizen of Utopia.'—See Beckmann, *Hist. of Inv.* art. 'Bibliography of the Hist. of Inventions,' vol. i. p. 514. A colony of Utopians are introduced in Rabelais, liv. iii. c. i.

civilized world. Being composed in Latin, moreover, it was accessible to the entire European republic of letters. Now, however, it probably meets with few readers; and of the many who speak of an Utopia, but a small proportion have had the curiosity to acquaint themselves with Sir T. More's romance.

Utopia, or the best form of government,(81) is in the form of a narration by a Portuguese gentleman, named Raphael Hythlodæus, whom Sir Thomas More meets at Antwerp. This Raphael had accompanied Americus Vespucius in three of his voyages, but had been left by him in the most distant place where they touched, whence he was enabled to visit the island of Utopia. The work was printed in 1515, and the fiction was doubtless suggested by the recent discovery of America.

The island is described as 200 miles in diameter in its broadest part, and adjoining the American continent. Its name was derived from Utopus, who conquered it, and reclaimed the inhabitants from barbarism. It contains fifty-four cities, the principal of which is Amaurotus, upon the river Anydrus.(82) The form of the Utopian government is thus described. Thirty families chuse every year a magistrate, who was anciently called the syphogrant, but is now called the phylarch; and over every ten syphogrants there is another magistrate, who was anciently called the tranibor, but of late the archphylarch. All the syphogrants, who are in number two hundred, chuse the prince out of four names, which are selected by the people of the four divisions of the city. The prince holds his office for life, but the

(81) The title of the work is *De Optimo Reipublicæ Statu, deque Novâ Insulâ Utopiâ.*

(82) The principal names in this romance are, as Sir James Mackintosh has remarked (*Works*, vol. i. p. 417), Greek derivatives, suggestive of the unreal character of the narration. Thus, Utopia, like Outis in the *Odyssey*, is the place which exists nowhere. The Achorians, Ademians, and Alaopolitæ, are similar negations of country and people. Amaurotus, the capital city, is invisible. Anydrus, its river, is waterless. The Nephelogetæ, a neighbouring nation, like Nephelococcygia, are also mentioned; also the Anemolians. Hythlodæus is a learner of trifles. It is true, as Scaliger has observed, that the name *Utopus*, or *Utopia*, is not correctly formed, according to the rules of Greek composition. It ought to be *Atopia;* but as this word had a meaning in Greek, More was forced to make the barbarous compound Οὐτοπία.

tranibors and other magistrates are chosen annually. The tranibors form the prince's council, but two syphogrants are always present at the deliberations.

Sir T. More, however, does not dwell on the form of the Utopian government. His main object is to describe its social institutions and laws. It is these which characterize his ideal state, and which contain whatever there is of original, important, or instructive in his views. Accordingly, he gives a copious survey of their system of agricultural and manufacturing labour —of their trade—their domestic institutions—their slavery—their military discipline and mode of warfare—their rules as to travelling —their punishments and rewards—their religious opinions—their science, literature, and arts. Sir T. More so far departs from the Platonic model of communism, that he recognises marriage—but he retains community of goods. He thinks that, 'as long as there is any property, and while money is the standard of all other things, a nation cannot be governed justly or happily.'(83) 'Until property is taken away, there can be no equitable or just distribution made of things, nor can the world be happily governed.'(84) In Utopia, whatever is manufactured by private families is deposited in public magazines, from which every father of a family may take what he thinks fit, without payment. With respect to the produce of the earth, the superabundance of one part of the island supplies the deficiency of another, freely, without exchange, so that the whole island is, as it were, one family. When the produce of the land exceeds the wants of the native population, the surplus is exported: a seventh part of the exports is given to the poor of the countries to which they are sent—the rest is sold at moderate rates.(85) The Utopians, likewise, as well as the citizens of the Platonic state, mess together at public tables. They make no use of money, and they set no value upon gold and silver, or precious stones. They likewise prohibit lawyers—every one of them is skilled in their law: it is a very short study, and the plainest meaning of which words are capable is always

(83) B. i. (84) *Ibid.* (85) B. ii.

the sense of their laws. They detest war, and despise military glory, and only fight in self-defence. Sir T. More retains slavery, in a modified form, as an institution of his best possible state, which, considering that villenage was virtually extinct in England in his time, is a remarkable proof of the influence which the opinions of the ancient philosophers exercised upon his speculations. When the description of the constitution of the Utopian commonwealth has been completed, it is declared to be 'not only the best in the world, but to be, indeed, the only commonwealth which truly deserves that name.'

The New Atlantis of Bacon—the name of which is borrowed from Plato's fiction of a supposed island or continent in the far west(86)—is an unfinished work, containing a description of a college, under the name of Solomon's House, established for the interpretation of nature and the production of beneficial inventions. His lordship (says Rawley) intended, in the same fable, 'to have composed a frame of laws, or of the best state or mould of a commonwealth,' but was prevented from executing his design.(87)

§ 16 Another work, belonging to the same class, and not long posterior to the *Utopia* and the *Nova Atlantis,* was the *Civitas Solis* of Campanella.(88) This writer—a Calabrese monk—had been a practical revolutionist in his native country; and, after having been subjected to torture and imprisonment by the Spanish viceroy of Naples, luckily escaped with his life, and was able to take refuge in Paris, where he published some works of great speculative freedom in religion and morals.

The *Civitas Solis* is in the form of a dialogue between the grand master of the Hospitallers, and the captain of a Genoese

(86) See Martin, *Etudes sur le Timée de Platon,* tom. i. p. 257: 'Dissertation sur l'Atlantide.'

(87) Bacon's *Works,* vol. ii. p. 321.

(88) The *Civitas Solis* was first printed in 1637, at the end of his *Philosophiæ Realis Libri quatuor,* Paris, fol. The author died in 1639. In the Utrecht edition of 1643, the title is thus given: F. Thomæ Campanellæ *Civitas Solis Poetica—Idea Reipublicæ Philosophicæ.'* There is a recent French translation of this work, by Villegardelle (Paris, 1840), to which an account of Campanella is prefixed.

vessel, the latter of whom narrates the constitution of a commonwealth, which he is supposed to have found in the Island of Taprobane, or Ceylon. The head of this state was called HOH—in our language the Metaphysician. He was assisted by three ministers, named Pon, Sin, and Mor—in our language, Power, Wisdom, and Love. The laws and administration of this imaginary state are described in detail, the most characteristic of which are community of women and of goods. The Solarians, moreover, never engage in any war which is not strictly defensive, and they use money only for buying, not for selling.

§ 17 Harrington's *Oceana*(89) was the fruit of the English civil war, and of the impulse which political speculation, and the formation of ideal constitutions, received from the execution of the king, and the destruction of the established government. The work was composed after the king's death, and published in 1656—Cromwell's consent to its publication being with difficulty obtained. The names are fictitious, but the application of the scheme to England is direct and avowed. England, Scotland, and Ireland, are represented under the names of Oceana, Marpesia, and Panopæa, while Olphaus Megaletor, the lord archon of the ideal state, is the lord protector, Oliver.(90) Harrington(91) declares in the introduction, that his work is the offspring of the civil war.(92) Its details are too copious to admit of abridgment;

(89) Concerning Harrington's *Oceana*, see Hallam, *Lit. of Eur.* vol. iv. p. 366; Hume's *Essays*, part 1, essay 16, 'On the Idea of a Perfect Commonwealth.'

(90) See a list of the names in Toland's *Life*, (p. xxi.) prefixed to his *Works*, 1 vol. fol. 1737.

(91) Harrington was one of the leading members of a club called the Rota, which met under the Protectorate, to discuss and promote constitutional schemes.—*Ib.* p. xxviii.

(92) 'These countries, having been anciently distinct and hostile kingdoms, came by Morpheus the Marpesian [James I.], who succeeded by hereditary right to the crown of Oceana, not only to be joined under one head, but to be cast, as it were by a charm, into that profound sleep, which, broken at length by the trumpet of civil war, has produced those effects that have given occasion to the ensuing discourse, divided into four parts.' —*Oceana*, p. 36.

According to Toland, (*Life*, p. xvii.) the account which Harrington gave his friends of the origin of his *Oceana* was as follows:—'That ever since he began to examine things seriously, he had principally addicted himself

but it is manifestly intended as a practical project for the remodelling of the English government under the protectorship of Cromwell, and it was so considered by the author.(93) Though the form is that of a fiction, or (as Harrington himself called it, when soliciting permission to print it) a 'political romance,'(94) yet it consists principally of a plan of a constitution drawn up under separate heads, and with the precision of a practical legislator, while the introductory part is in the form of a positive treatise on the principles of government. Harrington evidently wished to be the Sièyes of the English revolution,(95) and his *Oceana* was a practical plan, disguised, from prudential motives, in a masquerade dress.

§ 18 The representation of ideal states of society through the medium of imaginary nations, discovered by supposed navigators—sometimes in a literal, and sometimes in a satirical spirit—was continued about this time by various writers of greater or less celebrity. The *Mundus alter et idem* of Bishop Hall, pub-

to the study of civil government, as being of the highest importance to the peace and felicity of mankind; and that he succeeded, at least to his own satisfaction, *being now convinced that no government is of so accidental or arbitrary an institution as people are wont to imagine, there being in societies natural causes producing their necessary effects, as well as in the earth or the air*. Hence he frequently argued, that the troubles of his time were not to be wholly attributed to wilfulness or faction, neither to the misgovernment of the prince, nor the stubbornness of the people; but to a change in the balance of property, which, ever since Henry the Seventh's time, was daily falling into the scale of the commons from that of the king and the lords, as in his book he evidently demonstrates and explains. His chief aim, therefore, was to find out a method of preventing such distempers, or to apply the best remedies when they happened to break out.'

(93) See the epitome of the whole commonwealth, p. 204.

(94) Toland's *Life*, p. xix. That Cromwell understood Harrington's work as being, in substance, a proposal for the establishment of a constitution which would place limits upon his power, is evident from his remark upon it, as reported by Toland: 'After the perusal of it, he said the gentleman had like to trepan him out of his power, but that what he got by the sword he would not quit for a little paper shot; adding, in his usual cant, that he approved the government of a single person as little as any of them, but that he was forced to take upon him the office of a high constable, to preserve the peace among the several parties in the nation, since he saw that, being left to themselves, they would never agree to any certain form of government, and would only spend their whole power in defeating the designs, or destroying the persons, of one another.'—*Ib.* p. xx.

(95) See Burke, *Letter to a Noble Lord.*

lished in the early part of the seventeenth century, is a broad satire, composed under fictitious names of countries, each distinguished by its appropriate vice, as Crapulia, Yvronia, Lavernia.(96) Swift's Lilliput and Brobdignag may likewise be considered as ideal states, the conception of which was borrowed from some of the works already mentioned.(97) Even in the more serious of these, as the Utopia, the satirical vein is often very perceptible.

The *History of the Sevarambians,* a description of an imaginary people in the Southern Ocean, appeared almost simultaneously in London and Paris, near the end of the seventeenth century. Like other works of this class, it departed widely from received practices and opinions: thus, it proscribed all social distinctions arising from birth, all private property, and all arts which minister to luxury; it provided that all children, after seven years of age, should be adopted by the state; and it recommended a system of natural religion.(98) The *Aventures de Jacques Sadeur,* another supposed description of an austral nation, in which similar communist notions occur, was published about the same time.(99) In this Utopia, the difficulty about marriage, and the appropriation of women, is overcome by the hypothesis of an androgynous people. All things, however, are in common —the distinction between *meum* and *tuum* is unknown. They

(96) In Bishop Hall's *Works,* vol. xii. (ed. 1839). See Bayle, *Dict.* art. 'Hall,' note G. Hallam, *Lit. of Europe,* vol. iii. p. 684.

(97) Concerning the resemblance of Gulliver to the Utopian class of fictions, see Scott's *Life of Swift,* p. 339, ed. 8vo.

(98) The authorship of this work is uncertain. That of the French version, which is considerably enlarged and altered from the English original, appears to be fixed by sufficient testimony to an obscure French writer, named Vairasse d'Allais. The author of the English work is unknown.—See *Notes and Queries,* vol. iii.

(99) This work was first printed at Geneva in 1676. The author of it was a French monk, named Gabriel Foigny, who left his convent, and embraced the protestant faith. It has since been reprinted more than once: the last edition is in the collection of *Voyages Imaginaires,* tom. xxiv. The recent reprints are taken from an edition of 1692, which was altered by the Abbé Raguenet. An English translation was published at London, in 1693. It was also translated into German. See Bayle, *Dict.* art. 'Sadeur,' note G.; *Biogr. Univ.* in 'Foigny;' Barbier, *Dict. des Anonymes,* Nos. 1441, 17,668; Mylius, *Bibl. Anon. et Pseud.* part ii. p. 159.

live in perfect union, without division or discord. There is an entire social equality; they are born free, and continue in a state of freedom, without being subject to any superior power. In their army there is complete regularity, without discipline or commanders. They enjoy all the means of subsistence, without either parsimony or forethought. They wear no clothes, which they consider contrary to nature; they eat no animal food, and they are free from diseases.(100)

§ 19 Fenelon's descriptions, in his *Télémaque*, of the happy land of Bætica, in Spain, and of the city of Salentum, in Italy,(101) likewise serve to embody his ideas of a well-governed kingdom and a blissful state of society. The same style of political fiction, for purposes of instruction, is pursued by his imitators and admirers, the Chevalier Ramsay and the Abbé Terrasson—the former in the *Voyages de Cyrus*, the latter in the Egyptian romance entitled *Sethos*.(102) The happy valley of *Rasselas* belongs to the same class of fictions, though its scope is ethical rather than political, and it does not profess to deal with historical or mythological names.

Montesquieu, in his *Lettres Persanes* (xi.-xiv.), gives an account of the virtuous community of the Troglodytes, whose state was originally vicious. Like the happy valley of *Rasselas*, they are placed in Africa, which is also the seat of the ideal nation of the Mezoranians, described in the imaginary travels of

(100) See *Voyages Imag.* tom. xxiv. pp. 301, 302, 315, 317-8, 320, 321, 334, 364, 372.

(101) Salente, near Tarentum, liv. vii. and x. Mr. Stewart (*First Dissert.* p. 83) commends the enlightened opinions on government in *Télémaque*. Terrasson, in the preface to *Sethos*, p. v. says: 'Je n'ai pas lieu de me repentir d'avoir dit autrefois, en parlant de *Télémaque*, que si le bonheur du genre humain pouvait nâitre d'un poème, il naîtroit de celui-là: quoique ceux qui gouvernent le monde s'appliquent rarement à la lecture.' Dumont, in his edition of Bentham's work *on Legislation*, remarks: 'Le Télémaque ne dut ses succès éclatans ni à sa morale, ni au charme du style, mais à l'opinion générale qu'il contenait la satire de Louis XIV. et de sa cour.'—*Traités de Législation*, tom. i. p. 20.

(102) See the dialogue between Cyrus and Solon, in b. v. of the *Voyages de Cyrus*, and that between Cyrus and Pythagoras in b. vi. Also, the description of the nation of the Atlantes, and the sacred people of the Hesperides, in *Sethos*, b. viii. On political romances, see Dunlop, *Hist. of Fiction*, c. 10, vol. iii. p. 132-56.

Gaudentio di Lucca.(103) This people, governed by a magistrate named a pophar, divided into five nomes, and having for its capital the city of Phor, dwell in a fertile territory in the centre of Africa, where they are visited by Signor Gaudentio. Their government is simple and patriarchal;(104) but what chiefly distinguishes them is the system of community, fraternity, and equality according to which they live. 'The whole country is only one great family, governed by the laws of nature, with proper officers, constituted by the whole, for order and common preservation. Every individual looks on himself as a part of that great family. The grand pophar is the common father, esteeming all the rest as children and brothers, calling them universally by that name, as they all call one another brothers, bartering and exchanging their commodities as one brother would do with another. Every man, wherever he goes, enters into what house he pleases, as if it were his own home. One may say of them, that they are all masters and all servants; every one has his employment. Generally speaking, the younger sort wait on the elders, changing their offices as is thought proper by their superiors, as in a well-regulated community. All their children universally are taught at the public expense, as children of the government, without any distinction but that of personal merit. They are the freest, and yet strictest, people in the world, the whole nation being more like one universal regular college or community than anything else.'(105) They likewise enjoy perpetual peace, and rest from external and almost from internal broils.(106)

Lastly, it may be mentioned that Baron v. Holberg, a

(103) This well-written fiction, which has been erroneously ascribed to Bishop Berkeley, was in fact the work of Simon Berington, a catholic priest. The statement in the *Gentleman's Magazine*, which assigns to him the authorship of this work, is confirmed by the tradition of his family in Herefordshire, as I have ascertained from authentic information. See *Notes and Queries*, vol. ii. p. 247, 298, 327. That the Reverend Simon Berington lived as chaplain with the family of Fowler in Staffordshire, and was the author of *Gaudentio di Lucca*, is also stated in the *Description of the Parish of Tixall, in the County of Stafford*, by Sir T. Clifford and Mr. Clifford (Paris, 1817, 4to), p. 40.

(104) P. 209. (105) P. 215-7, 232. (106) P. 188.

Danish writer of some reputation in dramatic literature, thinking that the region of undiscovered countries on the surface of the globe had been exhausted, published, in 1741, a satirical description of certain communities in the centre of the earth, under the title of *Nicolai Klimii Iter Subterraneum*—a singular fiction, which belongs to the Utopian class.(107)

§ 20 The speculations on an ideal and perfect state are so closely connected with the notions respecting a golden age, or blissful state of nature, as really existing at the primitive age of the world, and have been so much influenced by the descriptions of that supposed condition of mankind, that the subject requires some mention in this place.

The notions of the ancients respecting the primitive state of mankind assumed a double form. The two representations were equally unhistorical: neither was derived from positive tes-

(107) Nicolai Klimii *Iter Subterraneum, novam telluris theoriam ac historiam quintæ monarchiæ adhuc nobis incognitæ exhibens*, e Bibliothecâ B. Abelini: Hafniæ et Lipsiæ, 1741. An English translation of this book, under the title of *A Journey to the World underground*, by Nicholas Klimius, was published at London in 1742. It was translated into all the other modern languages. Besides the works mentioned in the text, there are three political romances by Albert v. Haller, the celebrated physiologist, named *Usong*, *Alfred*, and *Fabius and Cato*. The first describes an Oriental, and the second a moderate monarchy; the third describes an aristocracy. See Jördens, *Lex. Deutscher Dichter und Prosaisten*, vol. ii. p. 323. *Usong* was translated into English by Jos. Planta, Lond. 1772, 2 vols. 12mo; and *Alfred*, by F. Steinitz, Lond. 1849, 1 vol. 12mo.

There is likewise a feeble Utopian fiction relating to communities of monkeys and dog-headed men, by a Venetian named Zaccaria Seriman. It was printed at Venice in 1749, and again in 1764, and a third edition, with the title of *Viaggi di Enrico Wanton alle terre Australi*, was printed at London in 1772, in four vols. 8vo, with a dedication to George III. by Enrico Wanton.

The *Encyclopédie Methodique* mentions another fiction of this class, entitled, *La République des Philosophes, ou l'Histoire des Ajaoiens*, &c. It describes an imaginary state in an isle of the Indian ocean. It is not included in the collection of *Voyages Imaginaires*, nor is it in the Brit. Mus. Library. It has been erroneously attributed to Fontenelle.

The work of J. B. Say, *Olbie, ou Essai sur les Moyens de reformer les Mœurs d'une Nation*: Paris, an viii. de la République, 1 vol. 8vo, pp. 132, was written for a prize proposed by the National Institute, on the question of—'What are the institutions fitted for establishing morality in a people?' He lays down certain principles of government and public economy, and illustrates the application of them by a few examples, taken from the practice of the Olbians, an imaginary people.

There are some other works of inferior note, belonging to the Utopian class, which do not deserve a separate mention.

timony, handed down either by oral or written tradition. They were not, however, equally improbable, inasmuch as the one was to some extent confirmed by analogy, and such experience as was accessible, whereas the other was contrary to both.

According to one conception of the original state of the world, mankind were in a condition scarcely superior to the lower animals. They lived in woods, either without any certain union of males and females, or separately in families, where the husband was supreme ruler; they dwelt in caves, were exposed to the attacks of wild beasts, and were ignorant, not only of the use of fire, and of all the arts of life, but even of language and numbers. At length some beneficent demigod, such as Prometheus—some poet or musician, as Orpheus—or some wise lawgiver, taught them articulate language and numeration; the use of fire, of metallurgy, and of the other useful arts; reclaimed them from their barbarism; showed them how to build houses; enclosed them in walled cities, as a protection against men and wild beasts; established fixed marriages; restrained their violence by legislation, and founded a system of political government.(108)

(108) See Plato, *Politicus*, c. 16, p. 274; *Leg.* iii. 1-4, p. 676-82. In the former passage, Plato combines the brutish conception of mankind with the golden age, by supposing the latter to have been the state of a previous extinct race of earth-born men. This Platonic notion is alluded to by Aristotle, *Pol.* ii. 8: *εἰκός τε τοὺς πρώτους, εἴτε γηγενεῖς ἦσαν εἴτ' ἐκ φθορᾶς τινὸς ἐσώθησαν*, &c. Compare Polyb. vi. 5.

Aristoph. (*Ran.* 1032-3) attributes civilization to Orpheus and Musæus. Horace assigns the same function to Orpheus and other poets, *De Arte Poet.* 391-401; also to Romulus, Bacchus, and the Dioscuri, *Epist.* ii. 1, 5-8. Somewhat similar functions are assigned to Menas, first king of Egypt, by Diod. i. 45; also to Evander and Hercules, by Dion. Hal. *Ant. Rom.* i. 33, 41; to Janus, by Plutarch, *Num.* 19; *Quæst. Rom.* 22. According to Æschylus, the advance from the rude and helpless state of mankind to the arts of civilization is due to Prometheus.—*Prom.* 451-515. Euripides (*Suppl.* 201-15) attributes the same change to 'some god.'

In the long passage of Moschion, from a lost tragedy (in Stob. *Ecl. Phys.* i. 9, 38, vol. i. p. 240; ed. Heeren), the transition from the savage and cannibal state of primitive man to a state of arts and civil order is ascribed to Prometheus, or to the lessons of necessity.

A rationalized account of the same change, from which all divine agency is excluded, is given by several writers.—See Lucretius, v. 923, to the end of the book; Diod. i. 8: Lucian, *Amores*, c. 33, 34. Critias, in the verses preserved in *Sext. Empiric. adv. Phys.* i. 54 (p. 403; ed. Bekker), speaks of mankind as having been originally in a brutish state, from which they were rescued by the institution of laws for the punishment of open offenders. The gods (he thinks) were a subsequent invention of

According to another more poetical and legendary conception of the primitive state of the world, mankind was in a state of innocence and bliss. The Greek mythology represented this period as the reign of Cronus, or Saturn, when the gods lived among men, and exercised a direct dominion over them. Other legends of the same mythology portrayed it under the form of the golden age—the first of a cycle of ages, designated by the names of metals, and forming, on the whole, a descending scale in happiness and virtue. During this mythical period, the earth produced its fruits spontaneously and without labour; the temperature rendered clothing superfluous; there was no agricul-

some wise man, for the restraint of hidden offences.—See Bach, *Crit. Tyr. Carmina* (Lips. 1827), p. 56. Cicero (*Pro Sext.* c. 42) describes the change from primitive wildness and anarchy to a state of civil society, as having been effected by men eminent for virtue and wisdom. He speaks of the savage state as a time 'nondum neque naturali neque civili jure descripto.' In the treatise *De Invent.* i. 2, he attributes this change to 'quidam magnus vir et sapiens,' who is endowed with eloquence as well as with wisdom. The power of eloquence as well as of reason, in reclaiming men from their primitive wildness, is also mentioned in *De Orat.* i. 9. In the *Tusculan Disputations*, v. 2, this merit is ascribed to philosophy: 'Tu urbes peperisti, tu dissipatos homines in societatem vitæ congregasti,' &c. Lactantius (*Div. Inst.* vi. 10) recites and condemns an explanation, which refers the origin of civil society to the fear of wild beasts. Compare on this point, Lucret. v. 980-5. Horace (*Sat.* i. 3, 99) comprehends in a few verses some of the principal items of the change in question:

'Cum prorepserunt primis animalia terris,
Mutum et turpe pecus, glandem atque cubilia propter
Unguibus et pugnis, dein fustibus, atque ita porro
Pugnabant armis, quæ post fabricaverat usus.
Donec verba, quibus voces sensusque notarent,
Nominaque invenere: dehinc absistere bello,
Oppida cœperunt munire, et ponere leges,
Ne quis fur esset, neu latro, neu quis adulter.'

Polybius describes the human race as renewed after some great catastrophe, and emerging from its original state of rudeness. Like the irrational animals, they are at first governed by the strongest man, who becomes a monarch.—vi. 5. Compare Sen. *Epist.* 90, § 4, 5.

The description of the Arcadians in Ovid. *Fast.* ii. 287-98, embodies the idea of primitive rudeness; and compare *Art. Am.* ii. 467-78. Sallust (*Catil.* c. 6) says of the aborigines of Italy: 'Aborigines, genus hominum agreste, sine legibus, sine imperio, liberum atque solutum.' Compare Dion. Hal. *Ant. Rom.* i. 9, 10. Vitruvius (ii. 1) describes the introduction of building, and of the other arts. Concerning the food of men in their primitive state, see Ælian, *V. H.* iii. 39.

On the notions of the Greeks respecting the primitive state of mankind, see Bernhardy, *Grundriss der Griech. Litteratur*, vol. i. p. 162. The Greeks conceived the first men as having been formed from trees, stones, or clay.—See *Odyss.* xix. 163, *cum Schol.*; Hesiod. *Op. et Di.* 144; Aristoph. *Av.* 686; Asius, ap. Pausan. viii. 1, 4; Virg. *Æn.* viii. 315; Juven. vi. 12; also the mythus of Prometheus, who, from being the maker

ture, nor were arts necessary; there was no trade, and no money—the precious metals had not been discovered, nor was iron used for making the tools of industry or the weapons of destruction; there was no travelling by sea or land, neither roads nor ships; beasts were not noxious to man; no blood was shed; there was no eating of animal food, and wars were unknown. Everything was in common; the fields were without boundaries—land was unappropriated—there were no houses, no walled cities, no families, and no government except the mild rule of Saturn.(109)

§ 21 This picture was, in fact, purely ideal: the ancients had no authentic traditions of any such state of society; never-

of Pandora (Hesiod. *Op.* 61, 70), afterwards became the maker of men.—Weiske's *Prometheus*, p. 497. As to the formation of men from stones by Pyrrha and Deucalion, see Apollod. i. 6, 2; Ovid, *Met.* i. 393-415; Virg. *Georg.* i 61. Respecting *αὐτόχθονες*, or men formed from the earth (like *γηγενεῖς*), see Harpocrat. in v.; Wachsmuth, *Hell. Alt.* i. 1, p. 321, app. 11; Dion. *Ant. Rom.* i. 10; Censorinus, *De Die Nat.* c. 4. On the meaning of *terræ filii*, see Minucius Felix, in *Oct.* c. 22, *cum not.*

The origin of civil society, the invention of arts, the formation of governments, &c., are described by Thomson ('Autumn'):

'These are thy blessings, industry,' &c.

(109) See, for the description of the kingdom of Saturn, Plato, *Politicus*, c. 12, p. 269; c. 15, p. 271-2; *Leg.* iv. 6, p. 713. The immediate government of the *δαίμονες* is much insisted on by Plato. Compare Dion. Hal. *Ant. Rom.* i. 36-8; Virgil, *Georg.* i. 125-49; *Georg.* ii. *ad fin.*; *Buc.* iv.; Tibull. i. 3, v. 35-50; Ovid. *Amor.* iii. 8, 35; Lucian, *Saturnal.*; Macrob. *Saturn.* i. 7, 8; Justin. xliii. 1; Minuc. Fel. in *Oct.* c. 22, where Saturn is represented as a civilizer.

For humorous descriptions of the abundance of the age of Saturn, see the comic fragments in Athen. vi. p. 267-8 (Meineke, *Fragm. Com. Gr.* vol. iii. p. 108, 362). The 'age of Saturn' is used by Plutarch (*Aristid.* 24) to signify the 'good old time.' In *Cimon*, 10, it refers to community of goods.

For the golden age, see Hesiod, *Op. et Di.* 109; Arat. *Phæn.* 100; Ovid. *Met.* i. 88-112; Cic. *N. D.* ii. 63; Juven. vi. 1-18; Babrius, *Proœm.* i.; Tacit. *Ann.* iii. 26; Senec. *Epist.* 90, § 3, 4. Compare Buttmann, *Mythologus*, vol. ii. p. 1. According to Dicæarchus, (*βίος Ἑλλάδος*, *Fragm.* 1-5; *Fragm. Hist. Gr.* vol. ii. p. 233-5, ed. Didot,) the primitive state of man was the golden age rationalized. The views of Dicæarchus are important, as showing the manner in which the poetical figments of the golden age were conceived by the philosophers.

The reign of Saturn and the golden age were sometimes confounded. Thus Virgil, in the *Fourth Eclogue*, after speaking of the return of the 'Saturnia regna,' adds:

'Tu modo nascenti puero, quo *ferrea* primum
Desinet, ac toto surget *gens aurea* mundo,' &c.

Dicæarchus likewise identifies them. Virgil combines the ideas of primitive rudeness with the ideas of the golden age, the reign of Saturn, and the subsequent deterioration, as follows. He says that the indigenous, or

theless, to a certain extent they believed it to be real. Its details were varied according to the imagination of the narrator, but so long as the mythology of their religion retained its hold on their minds, this state of society was to them a reality. Accordingly, Plato proposes it as a real model for the imitation of mankind, in his *Treatise of Laws:* the most perfect state, he says, is that which resembles the reign of Saturn.(110) And, indeed, whether believed to be real or ideal, the vision of a Saturnian or golden age has guided the speculations of an ideal state, or, at least, has had its origin in the same class of

autochthonous, population of Italy—men born from the trees of the forest—lived on the produce of the chase and wild fruits, without civilization, agriculture, or wealth. Saturn, being driven by Jupiter from Olympus, civilized this savage mountain race by collecting them in bodies, and giving laws to them. Under him was the golden age, a period of uninterrupted peace, until a worse age—that of iron—succeeded, which was accompanied by war and the desire of gain.—*Æn.* viii. 313-26. 'Decolor ætas' alludes to the dark colour of iron, as opposed to the brightness of gold. Plato, as we have seen above, attains a similar end by an inverse process: he supposes the golden age to have preceded, not succeeded, the brutish state.

The Islands of the Blest were considered a continuation of the kingdom of Saturn—a portion of the earth reserved for his happy rule, and excepted from the iron sceptre of his successor, Jupiter. See Horace, *Epod.* xvi.

'Jupiter illa piæ *secrevit* littora genti,
Ut inquinavit ære tempus aureum,
Ære, dehinc ferro duravit sæcula.'

The land of the Cyclopes, as conceived by Homer, brought forth everything spontaneously. It produced corn and wine without labour.—*Odyss.* ix. 108-11, 357.

The primitive state of virtuous simplicity, from which the poets took their idea of the golden age, and from which mankind is supposed to have since degenerated, is described in Thomson's *Seasons* ('Spring'):

'But who their virtues can declare,' &c.

See also *Voyages de Cyrus*, liv. vi., and Locke *on Government*, b. 2, § 111. The passage in Cowper's *Task*, b. vi., respecting the millennium,

'O scenes surpassing fable, and yet true,' &c.

describes a state of innocence and happiness on earth, free from toil. On the millennium, as represented by the early fathers, see Gibbon, c. 15. Abundance of food and community of property were essential parts of it. The ideal pictures of a golden age represent man as retaining his desires, but as satisfying them without toil. It would seem a more simple and obvious hypothesis to describe him as freed from his animal appetites of hunger, thirst, &c. But it was seen that if desires were removed, no distinct idea of human happiness could be formed. Compare *Rasselas*, c. 2 and 3. Bodin. (*Méthod. Hist.* c. 7) gives a 'confutatio eorum qui quatuor monarchias aureaque sæcula statuunt.'

(110) *λέγεταί τις ἀρχή τε καὶ οἴκησις γεγονέναι ἐπὶ* Κρόνου *μάλ' εὐδαίμων ἧς μίμημα ἔχουσά ἐστιν ἥτις τῶν νῦν ἄριστα οἰκεῖται*, *Leg.* iv. 6, p. 713. *μιμεῖσθαι δεῖν ἡμᾶς οἴεται πάσῃ μηχανῇ τὸν ἐπὶ τοῦ* Κρόνου *λεγόμενον βίον.*—*Ib.* In like manner, Fenelon represents Minerva as informing Telemachus, that

notions. The resemblance of the idealized pictures of the state of nature—of the simple and primitive stage of human society—to the descriptions of the golden age is unmistakeable. Fenelon's painting of the happy land of Bætica([111]) in his *Télémaque*, and Pope's description of the state of nature in his *Essay on Man*,([112]) reproduce many of the features of the golden age—softened down, indeed, in order to give them some colour of probability, but of unquestionable resemblance. Such are, for example, social equality, community of possessions, perpetual peace, absence of money and trade, dislike of the precious metals, preference of an agricultural life, abstinence from animal food, contempt for riches, arts, and luxury. Some of these, such as community of goods, perpetual peace, abstinence from animal food, and proscription of money,([113]) reappear in the ideal states.

Dicæarchus, a distinguished peripatetic philosopher, and

the duty of a good king is to renew the golden age: 'Lorsque vous régnerez, mettez toute votre gloire à renouveller l'âge d'or.'—*Télémaque*, liv. xviii.

'Le pays sacré des Hespérides étoit un exemple de l'innocence, où se conservent quelques hommes éloignés du commerce des peuples, pervertis par le luxe et par l'ambition. Il ajouta que leur nation lui rappeloit véritablement l'âge d'or; non pas tel que des hommes corrompus se le représentent, mais tel que l'amour de la felicité publique en faisoit souhaiter le retour à des hommes sages.'—*Sethos*, tom. ii. p. 188.

The restoration of good government to Italy by Augustus, is represented by Virgil under the image of a return of the golden age, and of the reign of Saturn:

'Augustus Cæsar, divum genus, aurea condet
Sæcula qui rursus Latio, regnata per arva
Saturno quondam.' *Æn.* vi. 792.

(111) Liv. vii.: 'C'est ainsi que parlent ces hommes sages, qui n'ont appris la sagesse qu'en étudiant la simple nature. Ils vivent tous ensemble sans partager les terres Tous les biens sont communs . . . Ainsi, ils n'ont point d'intérêt à soutenir les uns contre les autres, et ils s'aiment tous d'un amour fraternel que rien ne trouble Ils sont tous libres et tous égaux. On ne voit parmi eux aucune distinction que celle qui vient de l'expérience des sages vieillards, ou de la sagesse extraordinaire de quelques jeunes hommes qui égalent les vieillards, consommés en vertu.' If this is meant to be an ideal of a perfect community, it bears out to the full the doctrines of the communists of the present day. The last sentence is an anticipation of the St. Simonian doctrine, 'chacun selon sa capacité.'

(112) *Ep.* 3. v. 146.

(113) The belief that the precious metals, and precious stones, are causes of wickedness, is of old standing and wide extent. Thus, Horace—

a disciple of Aristotle, avowedly rationalized the golden age. He took the legendary description as founded on a basis of fact, and reduced it to conformity with the laws of nature, by separating and rejecting the marvellous ingredients.(114) He explained the subsistence upon the spontaneous bounty of nature by the primitive ignorance of agriculture : to the scanty and hard fare which this state of things produced, he referred the exemption from disease; and to the general poverty he traced the uninterrupted peace and concord, inasmuch as there was nothing worthy of contention. Posidonius, on the other hand, transferred to the golden age Plato's celebrated dictum, of philosophers being kings in the ideal state.(115)

The idealized descriptions of states of society, supposed to be real, likewise reproduce many features of the golden age : thus, fraternity and equality exist in the polity of Lycurgus, who likewise proscribes the use of money in his commonwealth.(116) Numa, during his happy reign, maintains an uninterrupted peace with the neighbouring states, and never sullies his hands

'Vel nos in mare proximum
Gemmas, et lapides, aurum et inutile,
 Summi materiam mali,
Mittamus, scelerum si bene pœnitet.'

Carm. iii. 24.

Also Ovid, in the description of the iron age:

'Itum est in viscera terræ,
Quasque recondiderat, Stygiisque admoverit umbris
Effodiuntur opes, irritamenta malorum.
Jamque nocens ferrum ferroque nocentius aurum
Prodierat; prodit bellum, quod pugnat utroque.'

Met. i. 138.

It is observable that the golden age is particularly distinguished by the absence of the precious metals. Compare Livy (vii. 25), on the evils of wealth and luxury. The reign of Saturn was characterized by its social equality, of which the Roman festival of Saturnalia was commemorative, see Plutarch *Comp. Lyc. et Num.* 2.

(114) *ἃ δὴ καὶ ἐξηγούμενος ὁ Δικαίαρχος τὸν ἐπὶ Κρόνου βίον τοιοῦτον εἶναί φησιν, εἰ δεῖ λαμβάνειν μὲν αὐτὸν ὡς γεγονότα καὶ μὴ μάτην ἐπιπεφημισμένον, τὸ δὲ λίαν μυθικὸν ἀφέντας εἰς τὸ διὰ τοῦ λόγου φυσικὸν ἀνάγειν.*—*Fragm.* i. p. 233.

(115) 'Illo ergo sæculo, quod aureum perhibent, penes sapientes fuisse regnum Posidonius judicat.'—Senec. *Epist.* 90, § 4. Posidonius was a stoic philosopher, contemporary with Cicero. See above, § 10.

(116) Plutarch, *Lycurg.* 8, 24.

with the blood of an enemy.(117) According to Plutarch, he exhibited a real type of the subsequent idea of Plato, that in a well-governed state the king must be a philosopher. Romulus likewise, according to Dionysius, proscribed all popular stories and legends concerning the gods, which imputed to them acts unworthy of the divine nature,(118) thus happily forestalling the principles laid down by Plato for his ideal republic.

The state of nature, as described by political speculators, is, in fact, no representation of a positive state of society, derived, directly or indirectly, from the testimony of percipient witnesses. It is a mere ideal picture, into which the painter has collected all those particulars which he considers characteristic of political and social excellence, and which embody his conception of human society as it ought to be.(119)

If a state of nature is formed by this process, it is naturally held up to imitation. It is an idealized real model of perfection.

(117) Dionys. *Ant. Rom.* ii. 60; Plutarch, *Num.* 20; Livy, i. 21; Cic. *de Rep.* ii. 14; Augustin. *de Civ. Dei,* iii. 9.

(118) See ii. 18.

(119) In this sense Cicero speaks of nature as being the pattern of positive legislation: 'Secundum naturam quæ norma legis est.'—*De Leg.* ii. 24.

The state of nature, as conceived by Rousseau, and his political doctrines on the subject, are well characterized by M. Comte: 'Une telle opposition s'était déjà ouvertement manifestée dès l'époque même de l'élaboration philosophique de cette doctrine, qu'on peut voir partout uniformément dominée par l'étrange notion métaphysique d'un prétendu état de nature, type primordial et invariable de tout état social. Cette notion, radicalement contraire à toute véritable idée de progrès, n'est nullement particulière au puissant sophiste qui a le plus participé dans le siècle dernier, à la co-ordination définitive de la métaphysique révolutionnaire. Elle appartient également à tous les philosophes qui, à diverses époques et dans différens pays, ont spontanément concouru, sans aucun concert, à ce dernier essor de l'esprit métaphysique. Rousseau n'a fait réellement, par sa pressante dialectique, que developper jusq'au bout la doctrine commune de tous les métaphysiciens modernes, en représentant, sous les divers aspects fondamentaux, l'état de civilisation comme une dégénération inévitablement croissante de ce premier type idéal.'—*Phil. Pos.* tom. iv. p. 72; and compare p. 330. Again, tom. v. p. 764: 'Mais, quels que soient, à cet égard, les reproches évidens que méritent pareillement toutes les sectes philosophiques du siècle dernier, ces torts ont été, sans doute, bien plus profondément propres à l'école de Rousseau, qui poussa, sous ce rapport, l'esprit de retrogradation jusqu'au plus extravagant délire, par cette sauvage Utopie, où un brutal isolement était directement proposé pour type à l'état social.' See also, *ib.* p. 678, 752.

The disposition to regard a supposed 'state of nature' as a standard of society as it ought to be, is, however, partly owing to the belief in a fixed providential arrangement of human affairs, or, more vaguely, in a natural course of phenomena, which it is impious to disturb and alter. Art is opposed, as something factitious, arbitrary, and merely human, to the divine and natural order of the world. It is in this spirit that Cowper sings—

> God made the country, and man made the town.
>
> *Task*, b. i.

Everything which exists by positive institution, being a work of human contrivance, is analogous to art, and therefore is opposed to nature,(120) as we have pointed out in a former chapter.(121) The idea that precautions against disease—as inoculation and vaccination—are impious, belongs to the same train of thought. The preventive means which man employs against disease are merely natural powers which he uses, and does not create. The action of the vaccine matter in the human body is as natural, that is, as much in accordance with the laws of nature, as the small-pox which it averts. In like manner, the flow of water through a pipe, or along an artificial channel, is as much in accordance with the laws of nature as if it flowed in a river, though the conduit is made by men. If, indeed, by *natural*, is meant that which would exist if man did not interfere, then it is clear that all human action which influences the course of external phenomena must be called unnatural.

The dislike of art and human contrivance is analogous to the

(120) When the phenomena of nature are regarded as the works of the Divine artificer, they assume the character of art: hence the verses of Pope:

> 'All Nature is but art, unknown to thee;
> All chance, direction which thou canst not see.'
>
> *Essay on Man*, ep. i. v. 289.

The same view had been likewise developed by Zeno: 'Censet enim artis maxime proprium esse, creare et gignere; quodque in operibus nostrarum artium manus efficiat, id multo artificiosius naturam efficere Atque hâc quidem ratione *omnis natura artificiosa est,* quod habet quasi viam quandam et sectam quam sequatur.'—Cic. *de N. D.* ii. 22.

(121) Above, ch. xviii. § 6.

feeling, that the beauty of natural scenery is destroyed by decoration:

> Quanto præstantius esset
> Numen aquæ, viridi si margine clauderet undas
> Herba, nec irriguum violarent marmora tophum.(122)

Formal lines and architectural gardens are condemned, as inferior to the variety and irregularity of nature.

The theory of a state of nature, as something which it is unnatural and impious to disturb, seems to assume, that man sets himself up as a rival creator to the divine architect of the world, whereas he merely avails himself of the powers of nature, and of the laws of phenomena which he is able to discover. If once this antithesis were admitted—if an ideal type of primitive nature were once established from which it was impious to depart, the progressive element in man would be destroyed. It is only by artificial contrivance, made in conformity with the laws of natural and social phenomena, that he improves his condition.

At the same time it is to be observed, with reference to those who establish a type of primitive society, that inasmuch as the state of nature is ideal, different ideas may be formed of it, and as some conceive it under the form of peace, so others conceive it under the form of war;(123) while some regard it as the tranquil reign of right, others treat it as the triumphant despotism of wrong. Thus Callicles, in the *Gorgias*, describes justice as an innovation upon the injustice which exercised a supreme sway in the state of nature, and as set up by the confederation of the weak majority.(124) In like manner, Philus, in the *Republic* of Cicero, argues that neither nature nor voluntary institution, but weakness, is the mother of justice.(125)

§ 22 In all the schemes which we have hitherto described, the

(122) Juv. iii. 20.

(123) This view of the state of nature is discussed by Puffendorf, *L. of N. and N.* ii. 2, § 5-9.

(124) Plat. *Gorg.* c. 85, *sqq.*

(125) 'Etenim justitiæ non natura, nec voluntas, sed imbecillitas mater est.'—ii. 14.

projector has taken the entire commonwealth, or an entire state of society, and has recast it in his ideal mould. He has comprehended the whole sum of human interests and institutions—he has treated the problem as unfettered by any conditions of reality, and has imposed no limit on his organizing imagination. Sometimes, however, a more confined problem has been selected; certain real conditions have been recognised, and an ideal creation has been adapted to a selected and definite portion of the political aggregate.

One of these limited ideal schemes is the project of *perpetual peace.*

The earliest appearance of this idea is in the *Republic* of Plato, where it is laid down that the Greeks are natural enemies of the Barbarians, but are natural friends and allies of one another, so that all hostilities between Greek states are as much as possible to be avoided—are to be conducted on principles of mildness and forbearance, and to be considered as civil discord rather than foreign war.(126) The extension of the Roman dominion was likewise conceived under the image of universal peace—a conquered province was said to be pacified—and the Roman authority was supposed to guarantee to its subjects perpetual exemption from war. Lucan includes this feature in his anticipation of the blessings of the imperial rule:

> Tunc genus humanum positis sibi consulat armis,
> Inque vicem gens omnis amet: pax missa per orbem
> Ferrea belligeri compescat limina Jani.(127)

(126) *Rep.* v. 15, 16, p. 470-1. The ten kings of the Atlantic island were never to make war on each other: there was a sort of congress between them.—*Critias,* c. 15.

(127) i. 60. The Romans considered conquest by their arms in the light of pacification. Hence Virgil says: 'Pacis imponere morem;' and Seneca, 'Omnes considera gentes, in quibus *Romana pax* desinit; Germanos dico, et quicquid circa Istrum vagarum gentium occursat.'—*De Prov.* c. 4. Tacitus represents Cerialis as convincing the Gauls, that if they threw off the Roman yoke their country would be invaded by German tribes, and a general barbaric war would ensue: 'Nam pulsis Romanis, quid aliud quam bella inter se gentium exsistent?'—*Hist.* iv. 74. Augustin, speaking of Rome, says: 'Per quam Deo placuit orbem debellare terrarum, et in unam societatem reipublicæ legumque perductum longe lateque pacare.'—*De Civ. Dei,* xviii. 22. Concerning universal peace, as an institution of the civitas Dei, see xix. 11-3.

After the disruption of the Roman empire, the division of Europe into numerous states, and the frequent wars which they waged against each other, kept all practical idea of a perpetual peace in abeyance. A scheme, however, for a general pacification of Europe, adapted to the circumstances of the time, seems to have been agreed upon by Henry IV. of France and Queen Elizabeth, and to have been considered by them as feasible. This scheme proceeded on the basis, that the existing religious creed of each European country, whether catholic or protestant, was to be recognised and maintained; that the infidel powers should be expelled from Europe; that Europe should be repartitioned, with a view mainly of diminishing the power of the house of Austria; and that a federal council, with a federal army and navy for all the European states, should be established. By these means, it was thought, a perpetual peace would be preserved among the members of the great Christian republic.(128)

All the Utopian states, from the romance of Sir Thomas More(129) downwards, are described as detesting war, and cultivating peace, so far as the encroaching spirit of neighbouring states will permit. The *Télémaque* of Fenelon also breathes the same spirit. The happy land of Bætica—which is the type of the golden age, or of the primitive state of nature—enjoys per-

(128) This scheme is expounded and justified at length in the thirtieth book of Sully's *Memoirs*. Compare the remarks on the interest of the European powers in maintaining peace, *ib.* liv. xiv. tom. iv. p. 390; ed. 1778. A summary of the plan of Henri IV. for the federal union of Europe, and the formation of a European congress, is given by Perefixe, in his *Histoire de Henri le Grand*, p. 469-85, ed. 1749—who entertains no doubt as to its reality.

It has been thought by some writers (see the editor's note on Sully, tom. viii. p. 305), and lastly by Sismondi, in his *Histoire des Français*, part viii. c. 10, A.D. 1603, that this project was never really entertained, and that it was fabricated by Sully. It has, however, been treated as genuine by several historians of authority, and no reasonable ground is adduced for doubting the accuracy of Sully's account.

(129) 'Bellum, utpote rem plane belluinam, nec ulli tamen belluarum formæ in tam assiduo, atque homini est, usu, summopere abominantur, contraque morem gentium fere omnium nihil æque ducunt inglorium atque petitam e bello gloriam.'—*Utop.* lib. ii. p. 205; ed. 1750. The Solarians of Campanella only engage in defensive wars.

petual peace;(130) the evils of war are expounded by Mentor, and lamented by Telemachus;(131) and Mentor even shows how international disputes are to be decided by the arbitration of a third power, and wars prevented by this mediatory jurisdiction.(132)

William Penn, at the end of the seventeenth,(133) and the Abbé de St. Pierre at the beginning of the eighteenth, century, promulgated plans of perpetual peace, founded, like that of

(130) *Télémaque*, liv. vii.

(131) *Ib.* liv. xi. xiii.

(132) *Ib.* liv. xvii. The Utopian writers have in this, as in other points, copied the features of the golden age. The brazen and iron ages of Hesiod were marked by war, whereas the golden age was tranquil, and free from care.—*Op. et Di.* 115, 119, 144, 187. Aratus likewise says, that there was no fighting in the golden age—the brazen age began to wage war, 109, 125, 131. Ovid (*Met.* i. 98-100) gives the same description of the golden age:—

> 'Non tuba directi, non æris cornua flexi,
> Non galeæ, non ensis erat: sine militis usu
> Mollia securæ peragebant otia gentes.'

On the other hand, the iron age is characterized by the presence of war:

> 'Jamque nocens ferrum, ferroque nocentius aurum
> Prodierat: prodit bellum, quod pugnat utroque,
> Sanguineâque manu crepitantia concutit arma.'
> v. 141-3.

Tibullus, in like manner, contrasts the reigns of Saturn and Jupiter:

> 'Non acies, non ira fuit, non bella; nec ensem
> Immiti sævus duxerat arte faber.
> Nunc Jove sub domino cædes, nunc vulnera semper.'
> i. 3. 47-9.

Virgil, singularly enough, supposes the restoration of the golden age to be accompanied by a repetition of the adventures and wars of the heroes:

> 'Alter erit tum Tiphys, et altera quæ vehat Argo
> Delectos heroas: *erunt etiam altera bella,*
> *Atque iterum ad Trojam magnus mittetur Achilles.*'
> *Ecl.* iv. 34-6.

Pope, in his *Messiah*, thus describes the Redeemer's reign upon earth:

> 'No more shall nation against nation rise,
> Nor ardent warriors meet with hateful eyes;
> Nor fields with gleaming steel be covered o'er,
> The brazen trumpets kindle rage no more.
> But useless lances into scythes shall bend,
> And the broad falchion in a ploughshare end.'
> v. 57-62.

(133) *An Essay towards the present and future Peace of Europe by the Establishment of an European Diet, Parliament, or Estates,* by William Penn [1693]. In the collection of his works, 2 vols. fol. 1726; vol. ii. p. 838-48. Compare Dixon's *Life of Penn*, p. 358-60. He refers to the project of

Henri IV., on a confederation of the European states and a federal diet, which was to prevent war by arbitrating in all international disputes.(134) Cardinal Alberoni formed a practical plan, similar to that of Henri IV.,(135) and in the last years of the century, Kant published his philosophical tract on the same subject, in which he also founded the hypothesis of perpetual peace on the principle of federation.(136)

§ 23 Fichte's sketch of a perfect commercial state is another of these limited ideals. Without undertaking to constitute an entire ideal state, he proposes to show what is the standard of ideal perfection which should be aimed at in the single subject of commercial relations with foreign countries. He lays it down, that the ideal commercial state should be as much individualized in its industrial as in its legal system; that no man has any claim to a higher degree of comfort than can be derived from the climate and arts of his own nation; and that his consumption ought to be limited to articles of domestic growth and manufacture: whence it follows, that the ideal perfection of the commercial state (to which practical legislation should approach as nearly as possible) is when it forms an

Henri IV. as his model, and to the federal constitution of the United Provinces. With respect to the doctrines of the Quakers on the unlawfulness of war, see Barclay's *Apology*.

(134) *Projet de Paix perpétuelle*, 3 vols. 1713-7; an abridgment is in his *Ouvrages Politiques*. An English translation of this work (London, 1714) is in the Bodleian library. See the summary of this plan by Rousseau, with Rousseau's *Jugement sur la Paix perpétuelle; Œuvres* (ed. Paris, 1817), tom. ii. p. 5-62. Concerning the character of the Abbé de St. Pierre, see Wachler, *Gesch. der Hist. Forschung*, vol. ii. p. 142.

(135) Cardinal Alberoni formed a plan for placing Turkey under a Christian government, and for a permanent diet, composed of deputies from all Christendom, to hold its sittings at Ratisbon, to which all disputes arising among Christian states should be referred. The majority were to decide, and the state refusing to submit to the decision was to be proceeded against by the diet.—Moore's *Lives of Alberoni, Ripperda, and Pombal* (London, 1814; ed. 3), p. 134.

(136) *Zum Ewigen Frieden, ein Philosophischer Entwurf*. 1795. *Sämmtliche Werke*, vol. vii. part i. p. 229. Condorcet (*Tableau des Progrès de l'Esprit Humain*, p. 296) looks forward to the time when wars between nations will be prevented by institutions better contrived than the philosophical projects of perpetual peace. Other more recent writings on the same subject are mentioned by Zachariä *vom Staate*, vol. v. p. 16.

isolated and self-sufficient community, completely closed against all trade with the rest of the world.(137) A similar ideal may be formed by supposing the greatest possible freedom of trade with all foreign countries.

Limited ideals of the same sort may be formed by considering the state merely in its religious or ecclesiastical character. Thus, the catholic or universal church is an idea, if it be understood in the sense of a church comprehending all men, or even all Christians. Christianity has hitherto been limited to a portion of mankind, and that portion have never been united in one church. The universal church, therefore, means a church which is conceived as virtually and potentially including all Christians, or all men. Its universality is ideal. The invisible, as opposed to the visible, church is also an ideal community. The supposition is, that it is a smaller community contained within the visible church, consisting of true, in the midst of erroneous, believers—of saints, in the midst of reprobates—of souls predestined to salvation, in the midst of souls predestined to condemnation.(138)

§ 24 We have now ascertained the nature of ideal models in politics, and have seen, by a collection of the most remarkable instances, what are the methods which the fabricators of ideal states, and of other similar patterns of political perfection, have adopted in the execution of their work. It only remains for us to inquire, how far the method of ideal models in politics leads to satisfactory results, and may be expected to furnish the practician with a safe and useful guide.

In the first place, then, we may observe, that everything in the nature of an *improvement* in human affairs implies a preconception of a state of things different from their actual state.

(137) *Der Geschlossene Handelsstaat*, first printed in 1800: in Fichte's *Sämmtliche Werke*, vol. iii. p. 387. The editor states (Vorrede, p. xxxviii.) that Fichte considered this as his best and most matured work. See *ib.* p. 454, 472, 476, 478, 500, 502, 504.

(138) The distinction between the visible and invisible church is recognised by Burnet, *on Art.* xix. p. 242. Klee (*Kathol. Dogmatik*, vol. i. p. 154) rejects the distinction, as not admitting of any certain criterion.

Before an improvement can be executed, it must be devised by somebody. Everything real, which is not a mere reproduction and mechanical imitation of something already existing, must have previously been ideal. Every human contrivance, of which *better* can be predicated—which, in comparison with other things of the same sort, has attained a higher degree of excellence, must have existed as a mental conception before it was reduced to practice. If we consider all the great items of political progress—such as the introduction of monogamy, of government by a political body, of representative institutions, of the abolition of slavery, of the liberty of the press, of religious toleration, of permanent embassies, of a standing army, of a government post, of a civil police, &c., we shall find that every one must, when it was newly introduced, have been conceived by its author as an ideal scheme. It is true that important political institutions of this kind are rarely or never produced at a single cast: they are the result of a series of accumulations, and they are formed by a gradual process of accretion.(139) Still, each new institution may be analysed into a series of successive steps, and each of these must have been made by persons who conceived it as an untried novelty, so that the aggregate may be described as partaking of this character.

All improvements in the useful arts are made in the same manner. All mechanical contrivances for increasing human power, for aiding human faculties, and for abridging human labour, must be the result of an ideal image, conceived by the inventor before it was translated into a real instrument or machine. Alphabetical writing, the saw, the loom, the mill, the ship, the pump, the compass, the steam-engine, the telescope, the balloon, the diving-bell, the thermometer—all these must have existed in idea before they existed in reality. Goguet's work on the origin of laws, sciences, and arts, illustrates this analogy, inasmuch as it includes both political institutions and the useful arts, and traces their respective origins by the same method.

(139) See above, ch. xx. § 9.

Beckmann's *History of Inventions* likewise combines with works of art, such as corn-mills and docks, social and political contrivances, such as quarantine, foundling hospitals, and *monts de piété*. The analogy between government and the useful arts extends both to the original invention, and to the subsequent improvements.(140) The original idea is usually, in both cases, a mere germ or rudiment, which undergoes a slow process of improvement by practical trials, through a series of fructiferous experiments. The positive institutions and laws of a government are, like a spinning-machine, a gun, or a ship, first devised in a clumsy and imperfect form, and afterwards improved by a series of tentative inventions. Thus, representative government—a contrivance unknown to the ancients—may be compared with fire-arms, or the steam-engine; while government by dependencies—a system known to the ancients, into which the moderns have introduced an improvement by removing the tributary obligation to the imperial state—may be compared with spinning or weaving.

When, however, it is said that all improvements, either in government or in the useful arts, must have had an ideal before they acquired a real existence, it is not to be supposed that the new work is an original creation. Every new institution, every political novelty, is resolvable into elements furnished by previous experience. The novelty consists in the combination and mutual adaptation of parts. When we say that a new building has been erected, or a new machine been made, we do not imply that the materials of which it is composed were not already in existence. In like manner, a new law is framed out of existing elements, and the novelty consists in the manner in which those elements are compounded. The wildest products of the imagination are formed out of materials furnished by experience. The chimæra, the sphinx, the centaur, the unicorn, or the griffin—even the most monstrous figures of Oriental sculpture or of mediæval heraldry—are all resolvable into simple elements, borrowed from

(140) οἱ δὲ νόμοι τῆς πολιτικῆς ἔργοις ἐοίκασιν.—Aristot. *Eth. Nic.* x. 10.

external nature. In like manner, the wildest eccentricities of Utopian visionaries are all confined within the limits of political elements furnished by experience.

The inventive and constructive faculties of man—whether employed upon outward nature, or upon politics—are his peculiar characteristic, and are the means by which his civilization is effected. They render him capable of progressive improvement. Animals invent nothing, and discover nothing. They detect no hidden laws or operations of nature; they contrive no new instruments or mechanical aids for their own use. When they construct, they construct instinctively, as the bee, the wasp, the beaver, and birds which build nests. Their constructions never vary from one generation to another—they neither degenerate nor improve; nor do they vary contemporaneously in different animals of the same species. None is ever better or worse than another—they maintain a constant and uniform level characteristic of the blind and mechanical operations of instinct. Whereas reason, while it is capable of suggesting improvements, is also unsteady, and liable to retrograde movements, so that men may fall back from the point of advanced civilization which they have attained. The arts, also, may be n different states of advancement in different communities of men at the same time.

If a bee could form an idea of a better social arrangement for his insect community, or of a better architectural construction of his comb, than actually exists, and he could instil this idea, either by example or precept, into the other occupants of the hive, the bees might carry these improvements into effect, and they would then be, like men, progressive animals. But having no capacity of forming an ideal picture of a state of things, dependent on their own acts, which should present advantages absent from their existing state, and should be free from disadvantages to which that existing state is subject, they necessarily remain for ever stationary. Animals, moreover, are not only unable to teach one another, but they are unable to learn from one another. One species cannot imitate an actual example afforded by another species, and make it serve it in the stead of

an ideal example. They do not compare each other's lot, for the purpose of seeing what is worthy of imitation in the condition of others. Democritus represented man as having derived the arts of weaving and sewing from the spider, and the art of building from the swallow.([141]) Pope describes him as learning from the mole to plough, from the nautilus to sail, and as forming a political community after the pattern of the bees and ants.([142]) Whatever truth there may be in these ideas, nobody could have described one animal species as deriving a similar lesson from another. No animal learns anything new, except within the narrow sphere of domestication produced by the influence and tuition of man.

For the progress of civil society and political amelioration, three conditions are requisite—1, the conception of a better state of things than that which actually exists; 2, the desire to attain it; 3, the choice of apt means for the purpose. Upon the two last of these conditions we will not now dwell.([143]) But with respect to the first, we may remark that the conception of an ideal pattern, better than anything which experience presents—except in a rudimentary state, or on a contracted scale—is a necessary condition for political progress. Out of the past, we may collect the materials for our imaginary structure, but their combination into a new edifice must be our own work. In the ordinary operations of political practice, this ideal project is formed upon real materials, and adapted to an actual case. The basis,

(141) See Plutarch, *De Solert. Anim.* c. 20; Vitruvius (ii. 1, § 2) assigns the same origin to the art of building. Dokius, the son of Cœlus, the supposed inventor of clay huts, is said to have imitated the swallow's nest. —Plin. *H. N.* vii. 57. According to Lucretius, v. 1378, men learnt music from the song of birds.

'Artes vero innumerabiles repertæ sunt, docente naturâ: quam imitata ratio, res ad vitam necessarias solerter consecuta est.'—Cic. *de Leg.* i. 9, where Turnebus says: 'Natura enim exordia quædam artium nobis ostendit, ut ædificationis in hirundinibus, texendorum retium in araneis.' The story of the transformation of Arachne into a spider is the same idea read backwards, and expressed in mythical language. See Ovid. *Met.* vi. 145. On the other hand, Aristotle says that the animals exhibit many points of resemblance to human life (πολλὰ μιμήματα τῆς ἀνθρωπίνης ζωῆς), but especially the smaller animals, whose intelligence is most exact; instancing the building of the swallow.—*H. A.* ix. 7.

(142) *Essay on Man*, epist. 3. (143) See below, ch. xxvii. § 15.

as well as the superstructure, is, indeed, hypothetical; but the case supposed is the nearest approach to reality which our powers of divination admit, and the conception or plan is intended to serve only as a model in the individual instance. When, for example, a practical politician prepares a draft of a new law, or a scheme of finance, or a system of prison discipline or of pauper labour, his plan is ideal, but special; it is his own invention, but it is fitted to the circumstances of the actual case. Now the political models which we have been above considering, resemble such models as these in being ideal; but they differ from them, in not being framed with reference to a given case of practice. The former models are like a builder's working plan, intended only for a single house—the latter are like a standard measure or weight, from which all other measures and weights are to be imitated. The question, therefore, which we now have to examine is, whether political models, not adapted to a special case, but intended for universal imitation, are useful?

§ 25 To this question we may answer, that if the possibility of imagining a political model superior to anything that exists be assumed, the contemplation of such an ideal would seem to be beneficial, unless it be subject to preponderating objections. Let us, therefore, consider the objections which may be made to the use of such models.

In the first place, it may be said that ideal models in politics are useless, because they are in general unattainable—because they hold up for imitation an inimitable pattern of perfection.

This objection is valid, if the ideal standard be *absolutely* unattainable; if it consist in the establishment of a goal which can never, by human efforts, be reached. There is a vast difference between the difficult and the impossible, as much as there is between a finite quantity, however large, and infinity. A marksman may improve his aim by shooting at long distances, but not by firing at the moon. Hence, there is a radical unsoundness in all schemes of ideal perfection, which emancipate themselves from the conditions necessary to the existence of the institution which is in question—as when it is proposed to improve the constitu-

tion of human society by abolishing political government; to improve a penal system, by introducing a punishment which is not painful; or to establish a system for the organization of labour, without either resorting to coercion, or admitting the principle of individual appropriation. Theories which involve the moral and intellectual perfectibility of mankind—in other words, which assume man to be exempt from imperfections inseparably connected with his nature,(144) fall under the same category. They are analogous to propositions for enabling man to live without food(145) or sleep, or to be indifferent to extremes of heat and cold.

On the other hand, the objection is not valid, or at all events its force is much weakened, if the standard is not absolutely unattainable, but only appears to be unattainable relatively to ourselves. For we may, from want of energy, or of self-reliance, or of imaginative power, underrate our own capacity, and overestimate the difficulties of the case.(146) Even with respect to real models, the best are always selected, to which we strive to approximate, though we may not expect to reach them. A military man, studying his art, may have before his eyes the examples of Marlborough, Turenne, Napoleon, and Wellington, but without hoping to rival any of these illustrious commanders. A sculptor may study the antique, without expecting to equal the Apollo or the Niobe.

It is often desirable in politics to form an ideal model of perfection, in the hope, not of attaining, but of approaching it.(147) We may conceive a state of things which shall be wholly free

(144) The indefinite perfectibility of mankind is maintained by Condorcet, *Tableau Historique des Progrès de l'Esprit Humain*, p. 214, 305, ed. 1822.

(145) See Comte, *Cours de Phil. Pos.* tom. 4, p. 464, 629.

(146) 'Nemo sciet quid potueris, ne tu quidem ipse. Opus est enim ad notitiam sui experimento. Quod quisque posset, nisi tentando non didicit.' —Seneca *de Provid.* c. 4.

(147) After speaking of the Platonic republic, and the establishment of an ideal standard of political perfection, Kant proceeds thus: 'Ob nun gleich das leztere niemals zu stande kommen mag, so ist die idee doch ganz richtig, welche dieses maximum zum urbilde aufstellt, um nach demselben die gesezliche verfassung der menschen der möglich grössten

from defects, and we may strive to reach as near to it as we can, by reducing the actual defects to a minimum. We may conceive a state of international relations which shall be uninterruptedly pacific. We can imagine perpetual peace: such a supposition, however improbable, is not repugnant to the laws of human nature. But although we may not be so sanguine as to expect that war will actually be banished from the earth, yet we may endeavour to secure the conditions favourable to the maintenance of peace, and to suppress, drive off, weaken, and counteract the influences productive of war. We can conceive a state of things in which few or no violations of the criminal law shall occur; but although we may not venture to look forward to the actual occurrence of a paradisiacal state of innocence, yet we may attempt to strengthen all the causes which discourage, and to weaken all the causes which encourage, the commission of crime. It is by forming to ourselves ideal models, not immediately attainable in practice, but admitting a closer and closer approximation by repeated efforts, that man civilizes himself, that society is made progressive, that ameliorations in political institutions and political states are effected. If man could not frame to himself an ideal, as distinguished from an actual standard of conduct, he could never advance beyond the most civilized portion of his species. It is upon purely ideal models that the practical models of action, when any real improvement and advance in civilization is effected, are for the most part framed. The purely ideal model is modified, fitted, and pared down, until it is brought within the exigencies of the practical case.

vollkommenheit immer näher zu bringen. Denn welches der höchste grad seyn mag, bey welchem die menschheit stehen bleiben müsse, und wie gross also die kluft, die zwischen der idee und ihree ausführung nothwendig übrig bleibt, seyn möge, das kann und soll niemand bestimmen, eben darum, weil es freiheit ist, welche jede angegebene grenze übersteigen kann.'—*Kritik der Reinen Vernunft*, theil ii. abth. ii. buch i. abschn. 1. Hume takes a similar view: 'In all cases, it must be advantageous to know what is the most perfect in the kind, that we may be able to bring any real constitution or form of government as near as possible, by such gentle alterations and renovations as may not give too great disturbance to society.'—*Essays*, part i. essay 16, 'On the Idea of a perfect Commonwealth.'

The objection to ideal models, therefore, on the ground that they are beyond the limits of our own ability, is not valid, if they be attainable by human exertions. Even if, relatively to ourselves, they may happen to be unattainable, we may approximate to them, and derive benefit from that which we actually reach, in the unsuccessful attempt to reach something beyond.

Moreover, as we have already had occasion to remark, an ideal does not, like a real model, mislead by its imperfections. All that an ideal model contains either is, or ought to be, worthy of imitation, whereas every real model contains some alloy of evil—some defective elements; and as it is generally easier, and sometimes more pleasant, to imitate what is bad than what is good, there is a danger that the imperfections of a real model, which, on the whole, is excellent, should be selected for imitation.

§ 26 On the other hand, an ideal model is useless, or even misleading, if it implies the existence of conditions which are unsuitable to our case. An excellent ideal standard, which is applicable, but is hard to imitate, may be compared with a place lying at a distance, which we strive to reach by the right road, but our strength fails before we have arrived at our journey's end; whereas an ideal standard, which implies inapplicable conditions, may be likened to a place to which we have taken the wrong road, so that we travel on without the prospect of ever reaching our destination.

The most remarkable example of this species of ideal model is furnished by the schemes of a perfect state. Every fabricator of a perfect state assumes, or tries to assume, a plain and open area for his edifice: however much he may, in fact, be influenced by contemporary facts, his plan is intended to be drawn upon a white piece of paper. He supposes the existence of a community ready to receive his laws—flexible, like wax, under his hands; without recollections of the past, or expectations as to the future; devoid of existing attachments, preferences, or habits; having no feelings of vengeance or animosity to gratify, no party

divisions to embitter them, no patriotic or religious associations to endear the institutions of their country, or to inspire confidence in certain public men. Now such a community as this never did, and never can exist. The internal relations of the society which the idealist assumes as his basis are wholly unsuitable and inapplicable to every conceivable real and concrete community. Not only do they not exist in any actual state, and never have existed, but they cannot, consistently with the laws of our social nature, be even imagined to exist in any actual case. The external relations of the ideal state are, if possible, conceived in a form still more remote from anything which can have a real existence. The writers to whom we refer isolate it from the rest of the world; they place it, as it were, under an exhausted receiver, and remove it from all international influences. Like the republic of Plato, its prototype is in heaven, and it has no place and name upon earth;([148]) or, like Utopia, it

(148) The Cretan Utopia of Plato's *Laws* has no immediate neighbour. The Athenian asks, *γείτων δὲ αὐτῆς πόλις ἆρ' ἔσται τις πλήσιον*; to which Clinias, the Cretan, answers, *οὐ πάνυ, διὸ καὶ κατοικίζεται*.—*Leg.* iv. 1, p. 704.

Fenelon describes the happy region of Bætica, as enjoying perpetual peace: 'La fraude, la violence, le parjure, les procès, les guerres, ne font jamais entendre leur voix cruelle et empestée dans ce pays, chéri des dieux.' This exemption is thus accounted for: 'Il me reste, ajoutait Télémaque, à savoir comment ils font pour éviter la guerre avec les autres peuples voisins. La nature, dit Adoam, les a separés des autres peuples d'un côté par la mer, et de l'autre par des hautes montagnes du côté du nord. D'ailleurs, les peuples voisins les respectent à cause de leur vertu.'—*Télémaque*, liv. vii.

The following account of the nation of the Atlantes is given in the political romance of *Sethos*: 'Pour passer maintenant à la police du notre état, sa constitution nous dispense d'abord de cette grande partie qui fait ailleurs le militaire, puisque nous n'avons d'autre défense que la faveur des autres nations, et l'estime qu'elles veulent bien faire de notre simplicité. Nous n'avons même aucun besoin de la politique, en tant qu'elle est l'art de suspendre les guerres, ou de reculer les frontières par des traités. Personne ne nous dispute notre territoire enfermé par la mer à l'occident, par deux rivières, le Subur au midi, et le Zilis au nord, et par une chaîne de montagnes au levant. Nous ne chercherons point non plus à l'accroître.' —Vol. ii. p. 182.

The land of the Mezoranians, in the centre of Africa, is described as difficult to find, even for the natives, and 'unknown to all the world beside.' *Gaudentio di Lucca*, p. 117. 'He tells us strange stories of one of the most beautiful countries in the world, in the very heart of the vast deserts of Africa, inaccessible to all the world but by one way, which seems as extraordinary as the country it leads to.'—*Ib.* p. 12.

The happy valley of *Rasselas* is surrounded on all sides by impassable mountains. The only entrance is through a cavern, closed with iron gates

is a remote island in an unknown ocean; or, like the happy valley of *Rasselas*, and the land of the Mezoranians, it lies amidst the deserts of Africa, and is cut off by an impassable barrier from the rest of mankind. Every real community, however, is influenced in important respects, not only by its internal, but also by its external relations. It is a member of the great community of nations; it breathes a political atmosphere which is common to other countries, and which circulates round the entire civilized world; it recognises the established principles of international law; its trade, its provisions for defence, and often, in some degree, its form of government, depend upon the character of the states which it immediately adjoins.(149)

It may, therefore, be said, without exaggeration, that the search after the ideal model of the perfect state—which has occupied the thoughts of so many illustrious speculators, intent upon the amelioration of mankind—is necessarily, by the very condi-

so massy, that they cannot be opened without the help of engines. 'The sages who instructed them, told them of nothing but the miseries of public life, and described all beyond the mountains as regions of calamity, where discord was always raging, and where man preyed upon man.'—C. 2.

(149) 'Il est une circonstance qui exerce sur la civilisation ou sur la barbarie de certains peuples une influence immense : c'est la position dans laquelle ils se trouvent relativement à d'autres peuples. Une nation qui serait placée au milieu d'une multitude de circonstances favorables à son développement, mais qui serait en même temps exposée aux invasions de peuples condamnés, par leur position, à une éternelle barbarie, ne pourrait faire des progrès que difficilement. C'est là un des obstacles les plus puissans qu'ont trouvés à leur avancement les peuples de la Perse, de la Chine, de l'Indostan, et, je pourrais dire, de presque toutes les parties du globe.'—Comte, *Traité de Législation*, liv. iv. c. 10.

'Se questo reame fosse sorto, come un' isola in mezzo all' oceano, spiccato, e diviso da tutto il resto del mondo, non s'avrebbe avuta gran pena a sostenere, per compor di sua civile istoria molti libri; imperciocchè sarebbe bastato aver ragione de' principi, che lo dominarono, e delle sue proprie leggi ed istituti, co' quali fu governato. Ma poichè fu egli quasi sempre soggetto, e parte, o d' un grand' imperio, come fu il Romano, e dapoi il Greco, o d'un gran regno, come fu quello d'Italia sotto i Longobardi, o finalmente ad altri principi sottoposto, che tenendo collocata altrove la regia lor sede, quindi per mezzo de' loro ministri 'l reggevano ; non dovrà imputarsi, se non a dura necessità, che per ben' intendere la sua spezial politia, si dia un saggio della forma e disposizione dell' imperio Romano, e come si reggessero le sue provincie, fra le quali le più digne, ch' ebbe in Italia, furon certamente queste, che compongono oggi il nostro regno.'—Giannone, *Istoria Civile del Regno di Napoli;* introd.

tions of the problem, a search not less irrational and vain than that after the philosopher's stone or the elixir of life. No artifice can defeat, no ingenuity can elude, the logical absurdities which the data of the problem involve. They may, at first, be concealed beneath the surface, but as the work proceeds they inevitably come to light.

Ideal plans of government assume that the lawgiver has a greater power over the society for which he is to legislate than he really possesses. This supposition lies at the bottom of all schemes of a perfect state, considered as a working model. They suppose a ductility of materials, a plastic nature in the human conglomerate, which does not exist.(150) Hence the constructor of an Utopia is tempted to pass those bounds, indicated by universal experience and recognised utility, which even the most capricious and self-willed despots have respected. One remarkable example of this error is afforded by the disposition shown, in some of the plans of an ideal state, to treat man, with respect to generation, as man himself treats the domesticated animals, and to establish institutions having for their aim the propagation of a fine human breed. Plato distinctly enounces this object, laying it down that, in his perfect state, the guardians are to breed from the handsomest individuals, and in the vigour of life —as is done with horses, hunting-dogs, and the nobler species of birds. He accordingly directs that the couples should be selected by the magistrates, the best and the worst of each sex being respectively combined:(152) he regulates the ages for each

(150) Speaking of the Utopian plans of government, Mr. Stewart says: 'Of these plans, by far the greater number proceed on the supposition, that the social order is entirely the effect of human art; and that wherever this order is imperfect, the evil may be traced to some want of foresight on the part of the legislator or to some inattention of the magistrate to the complicated structure of that machine of which he regulates the movements. The projects of reform, therefore, which such plans involve are, in general, well entitled to all the ridicule and contempt they have met with, inasmuch as they imply an arrogant and presumptuous belief, in their authors, of the superiority of their own political sagacity to the accumulated wisdom of former ages.'—*Elements of the Philosophy of the Human Mind*, vol. i. ch. 4, § 8. As to political government being a work of human art, see above, ch. xviii. § 6.

(151) See *Rep.* v. 7-9, p. 458-61.

(152) The manner in which this selection is appointed to be made is

sex during which this union is to take place, and the children of the defective couples are, as it appears, not to be reared, in order that the breed of the guardians may be maintained in a state of purity.(153) Campanella likewise, in his *Civitas Solis*,(154) lays it down that the generation of the citizens is to be entirely under the control of the magistrates, and that the public interest in the selection of the couples is alone to be consulted, the object in view being the physical perfection of the race. The regulations for this purpose which he describes are, like those of Plato, founded on the assumption, that the propagation of the human race is, by legislative enactments, to be regulated on the same principles as the propagation of those domestic animals which are under the control of man.(155) Yet even the *contubernia* of slaves, when the law has regarded them as mere

worthy of notice. Plato perceives that the choice exercised by the magistrates in assigning the most beautiful women to one portion of the guardians, in preference to the other, would give rise to discontent. He therefore directs that this distribution of the two sexes into pairs should be effected apparently by lots; but that the lots should in fact be prepared secretly by the magistrates—that the dice should be loaded, so as to bring out the result which they desire, without exposing themselves to the charge of favouritism.—See *Rep.* v. 8. p 460; *Timæus*, c. 2. p. 18. Now, if this proposition is to be made the subject of serious criticism, it must at once be seen that no trick of this kind could be successful as a permanent system: it would inevitably be disclosed, if it was not detected, and would therefore fail of its purpose. If it be said that it is unfair to subject such propositions to serious criticism, it may be asked in return, what, then, is the value of an ideal state? and whether the reluctance to submit it to serious criticism does not imply that it is devoid of practical value?'

(153) Aristotle has a similar set of regulations, among the conditions for the best form of government. Physical excellence in the human breed is the object which he proposes to the legislator: *τὸν νομοθέτην ὁρᾶν δεῖ ὅπως βέλτιστα τὰ σώματα γένηται τῶν τρεφομένων.*—*Polit.* vii. 16.

It is on the same principle that deformed or defective children are, in the ideal states, directed to be killed immediately after birth. See Plat. *Rep.* v. 8, 9, p. 459, 460; also Aristot. *Pol.* vii. 16. The Australians visited by Iambulus had the same law, Diod. ii. 57. The government of Sparta appears, indeed, to have recognised these principles in practice: thus, the Ephors fined Archidamus for marrying a little wife, saying that she would breed a puny race of kings: *οὐ γὰρ βασιλεῖς ἄμμιν ἀλλὰ βασιλείδια γεννάσει.*—Theophrast. ap. Plut. *Ages.* 2.

(154) 'Non copulant nisi fœminas grandes ac pulcras nisi grandibus ac studiosis viris, et pingues macribus [sic], et macras pinguibus, ut bene temperentur et utiliter.'—P. 33; see also, p. 35.

(155) Campanella refers to the fraudulent method proposed by Plato for determining the unions of men and women in his perfect state; but he

chattels—as mere domestic animals—have never been subjected to such merely physical conditions as those indicated by Plato and Campanella. But with regard to free men and women, no practical legislator has ever seriously proposed to regulate their unions on the same principles as the breeding of horses or cattle, and to transfer to human marriages the maxims of the stable and the farm.(156)

§ 27 Another valid objection to an ideal government, propounded as a type of perfection, which professes to be, not merely *better*, but the *best*, is, that it assumes the possibility of our seeing with our present lights what is the most perfect form of government, and thus implicitly denies the progressive character of human society; unless, indeed, it assumes that this ideal will never be in fact attained, and that society will be the asymptote which, though perpetually approaching the line of ideal perfection, will never touch it. If the writings 'de *optimo* reipublicæ statu,' were 'de *meliore* reipublicæ statu,' they would at least attempt to solve a soluble problem. But there is nothing to show that, when we have actually climbed to the height indicated by the idealist, we may not discern other heights above us. Until we have had practical experience of an ideal plan of government, we do not discover all its defects; and it is by mounting up one platform that we see how another is to be scaled.

§ 28 One inducement to the composition of imaginary commonwealths has been the facility which they afford for the free expression of opinion, and for the proposal of plans which, if put in a practical form, might give umbrage to rulers, or offend the prevailing sentiments of readers.(157) By assuming to describe

declares that any such contrivance is unnecessary in his commonwealth, inasmuch as the women lead such active and healthy lives as to be all beautiful. It is by gratuitous suppositions of this sort that the fabricator of an Utopia smooths down difficulties and eludes objections.

(156) Compare the remark of M. Granier de Cassagnac upon St. Just's propositions respecting marriage for his ideal state, *Histoire des Causes de la Revolution Française*, tom. iii. p. 579.

(157) Speaking of the *Histoire des Sevarambes*, Prosper Marchand (*Dict. Hist.* art. 'Allais,') says: 'Fiction tres ingénieuse, qui a fait beaucoup de bruit parmi les gens de lettres, et qui parait n'avoir été imaginée que

institutions and manners apparently real, the writer is able covertly to make recommendations, without delivering any express opinion. A similar advantage belonged to that class of compositions (such as the *Lettres Persanes*) in which an Oriental traveller describes the government and manners of Europe. These indirect ways of conveying suggestions, and of insinuating blame and praise, are, however, useless in countries where the press is free for the expression of opinion on political subjects, and in which the public is tolerant of political heresies.

Although some bold and original thinkers have shown a fondness for this class of compositions, yet the formation of ideal states seems to be characteristic of the infancy, rather than of the maturity of the human mind. Precocious children, gifted with an active fancy, often amuse themselves with these creations, and produce imaginary sketches of ideal countries with a fertility which seems scarcely to belong to so early an age.(158)

§ 29 We have inquired in a previous chapter how far universal propositions can be laid down with respect to the best form of government, and whether it can be said absolutely that monarchy, or aristocracy, or democracy, is the best constitution

pour y débiter adroitement, et sans aucun risque, un nouveau système de gouvernement politique et de religion naturelle.' The free-thinking character of this work is adverted to in Morhof's *Polyhistor*, vol. i. p. 74; ed. 1747. He places it among the libri damnati. See, likewise, the remarks of Bayle, *Dict.* art. 'Sadeur': 'Ce tour là seroit assez bien imaginé pour tromper la vigilance des censeurs de livres, et pour prévenir les difficultés du privilège,' &c.

(158) M. Mignet, in his *Historical Notice of the Life and Works of M. de Sismondi*, gives the following account of his early attempts at ideal legislation: 'He was of the same country which had produced Rousseau, and he came into the world at the moment of revolutions. Thus, when scarcely ten years old, the natural disposition for imitation in children had for its object the gravest subjects, and he amused himself in founding a little ideal republic with his young friends, among whom was the brother of Benjamin Constant. This was in 1783, and the amusements and sports of children already announced the future labours of men and fathers. Assembled in a little grove, where they had raised a monument to Rousseau, the little republicans had decreed, as was fit, that in their republic everybody should be virtuous and happy. Sismondi, without any ceremony, was ordained its Solon, and established this doctrine, at the end of a discourse of fourteen pages.—*Essays from the Works of M. de Sismondi* (London, 1847), p. 3.

for every community.(159) But between such propositions as these, and the model of a perfect state, there is the same difference as between abstract propositions respecting virtue, and the wise man of the Stoics—the one (to use Kant's language) is the idea, the other is the ideal.(160) The ideal of the perfect state can never be embodied in a description, without involving postulates destructive of its applicability to every real community which can ever exist. This impossibility is owing to the large scale upon which the problem is tried. In some cases, a difference of degree is as important as a difference of kind; and to these an ideal state belongs. When we have to deal with the whole sum of human interests, opinions, feelings, habits, and wants, as comprehended within the wide circle of the state, we incur the blame of barren and jejune abstraction, we make a mere shadowy and unsubstantial figure, in proposing an ideal model for imitation. We abstract from our imaginary commonwealth, until we reduce it to a mere skeleton, without the flesh, muscles, nerves, vessels, and organs, which constitute a living body.(161) But if we limit ourselves to a single function or operation of the state—if we take some definite subject of legislation, some single branch of administration or judicature, we no longer encounter the same difficulties; we may then be able to frame an ideal model, which can be usefully applied in practice, and which does not involve suppositions inconsistent with the reality of the case before us.

The progressive tendency of mankind, the habit of dissatisfaction with the present, the disposition to improve the actual

(159) Above, ch. xv. § 5 and 6.

(160) 'Tugend und mit ihr menschliche weisheit in ihrer ganzen reinigkeit, sind ideen. Aber der weise (des Stoikers) ist ein ideal, d. i. ein mensch der blos in gedanken existirt, der aber mit der idee der weisheit völlig congruiret. So wie die idee die regel giebt, so dient das ideal in solchem falle zum urbilde der durchgängigen bestimmung des nachbildes, und wir haben kein anderes richtmaass unserer handlungen, als das verhalten dieses göttlichen menschen in uns, womit wir uns vergleichen, beurtheilen, und dadurch uns bessern, obgleich es niemals erreichen können.' —*Kritik der Reinen Vernunft*, theil ii. abtheil. ii. b. ii. 3, abschn. 1.

(161) 'For the more public part of government, which is laws, I think good to note only one deficiency; which is, that all those which have

condition of things, and to seek for an advance of civilization, is perpetually raising the question, whether something which is proposed would not be better than that which exists—whether what we have is the best possible.

Now, in attempting to solve the problem of the ideal best, we must first consider whether its data involve conditions dependent on laws of social phenomena and of external nature, or on matters of exclusively human contrivance. Nothing is easier than for us, in imagination, to reconstitute the order of the world, and to frame an ideal best, by altering the conditions of human existence. The idea of a golden age—when man's body is as free from disease as his mind is free from sin—when the earth produces its fruits spontaneously—when there are no ploughs or ships—no gold or iron—no guile, no rivalry, no wars—is, as we know from experience, easily formed. By this ideal, the evil is extracted from human life, and a residuum of unmixed happiness—a maximum state of bliss—is left behind.(162) But in order to form this best possible state of things, we reverse the fundamental laws of human nature, and place ourselves in a fairy land of our own creation. After having virtually recognised the dualistic doctrine of the origin of evil, we blot out the maleficent Ahriman, and leave the influence of Ormuzd to operate uncontrolled. Such ideals may have a poetical charm, but they are devoid of all philosophical value. They are a coinage which may have an esthetical, but never a scientific currency. Evil, which is a part of the conditions of human existence, may be mitigated and reduced to a lower term, but cannot be extirpated. Man can diminish hunger, cold, and disease; he cannot extinguish them. He may lengthen the duration of life, but he cannot

written of laws, have written either as philosophers or as lawyers, and none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths; and their discourses are as the stars, which give little light because they are so high.'—*Advancement of Learning*, vol. ii. p. 295. The passage is less full in the *Treatise de Augmentis*, vol. ix. p. 82.

(162) In the happy valley of *Rasselas*, 'all the diversities of the world were brought together, the blessings of nature were collected, and its evils extracted and excluded.'—C. i.

abolish death. All ideals, therefore, which suppose a violation of the laws of human nature—which alter the foundation of society—are a mere sport of the imagination, undeserving of a moment's serious attention. Yet Plato says that the perfect state is an imitation of the reign of Saturn, and Fenelon describes Minerva as teaching Telemachus, that the glory of a virtuous king is to renew the golden age.(163)

On the other hand, when the matter under consideration is a positive institution, devised and established by man—as a representative system, judicial procedure, revenue-laws, police, military discipline, education, and the like—an ideal may be framed which is better than the existing state, and which is within the limits of human power. What man has made, he can unmake—he can alter his own handiwork. Political institutions in this respect, as in others, are analogous to the works of the useful arts: these admit of being improved indefinitely by new inventions, conforming with the laws of nature.

Can it, however, be said that anything is best absolutely, either in politics or in the useful arts? Is there a best form of government, a best system of taxation or judicature, a best plan of military or naval discipline? Is there a best plough, a best knife, a best carriage, a best house, a best ship? Is it the business of any art or system to construct an ideal model of the best possible form of anything?

There is no doubt that it is practicable to establish degrees of goodness with reference to the ordinary and average circumstances in which the subject is placed. Thus, if we take the ordinary case of a ship—we may say that a ship of a certain build is better fitted to sail across the ocean than a ship of a certain other build. So, if we take the ordinary case of a court of justice, we may say that a court of a certain constitution is better fitted to try causes than a court of a certain other constitution. But when we come to actual practice, we find that *best* is a re-

(163) Above, § 21.

lative, not an absolute term. It implies the fitness of means to ends, and unless the end is given specifically, the means cannot be determined. That which is best under one set of circumstances is not necessarily the best under a different set; that which is the best ship for one purpose, may not be the best for another—a construction which is excellent for a river or a lake may be unfitted for the open sea, and the converse. A constitution of a court of justice, which may be excellent for one species of jurisdiction, may be unsuited to another.

It is the business of every art to consider what—under the average circumstances proper to be taken as the hypothetical conditions of an abstract problem—are the means best fitted for the attainment of its end. Thus, arithmetic teaches how to compute best; logic, how to reason best; rhetoric, how to persuade best; the art of education, how to teach best; architecture, how to construct the best houses; ship-building, how to construct the best ships; horsemanship, how to ride best; music, how to sing and play best; dancing, how to dance best; painting, how to paint best.(164) But when the time comes for applying these technical rules in practice, then there is a necessity for judgment; for precepts as to the best possible mode of doing anything are never absolute—there is, for this purpose, no inflexible exceptionless rule, no universal ideal model. The maxim merely raises a presumption in its favour, but circumstances may so differentiate the practical case as to render it inapplicable.

Thus, an ideal house may be better than an actual house, but circumstances of expense, comfort, health, or time, may render it prudent for a man to retain his actual house unaltered, or to make only slight alterations in it, rather than to pull it down to the ground, and replace it by a new house, built according to an ideal model of the best possible. In like manner, it may be advisable to acquiesce in an imperfect political institution, rather

(164) 'Quoniam de oratore nobis disputandum est, de summo oratore dicam necesse est. Vis enim et natura rei nisi perfecta ante oculos ponitur, qualis et quanta sit intelligi non potest.'—Cic. *de Orat.* iii. 22.

than replace it by a new institution, framed on a model of ideal excellence. Expense, and other similar considerations, may be of weight; besides which, there is this important element in the practical problem of politics, which is wanting in the case of a house, that whereas the materials of a house are insentient, and therefore make no resistance to the change, the persons who are affected by the substitution of one political institution for another, and who are the necessary instruments for effecting the change, have habits and feelings, and therefore preferences and antipathies on the subject, and may, by their volition, frustrate the success of the measure.

§ 30 It may be observed, finally, that the problem of the best form of government is essentially constructive. Whether it be treated by supposing a perfect state as an individual model, or by a description couched in general terms, it supposes an ideal constitution, framed by the invention of the writer. On the other hand a positive, not a constructive, problem may be proposed, by taking governments which have, or have had, a real existence, and comparing their respective goodness. Hence, it may be possible to determine whether monarchies, or aristocracies, or democracies, as they have actually existed, have been most beneficial in their operation. Those, however, who speak of the problem of the best form of government, for the most part appear to mean, not the best which has ever existed, but the best which can be contrived and be conceived to exist.

Some political speculators—adopting the opinion expressed in the well-known lines of Pope—hold that forms of government are indifferent, and that no real security is to be derived from them. Unless this opinion be so qualified as to become nearly unmeaning, it may be treated as a paradox, unsupported by experience. The recent progress of political philosophy has, however, certainly tended to shake the exclusive importance attached by the earlier speculators to political forms, and to show that some of the most important political influences pervade all civilized communities, whether under a monarchical, an aristo-

cratic, or a democratic regimen.(165) The influence of forms of government may have been exaggerated, though it may still be important.

Another class of writers undertake to pronounce summarily which is the best form of government, by an appeal to experience.(166) Spinoza decides, on this ground, that absolute monarchy is the best government,(167) and Puffendorf says that the majority of writers have arrived at the same conclusion.(168) Calvin gives the preference to the aristocratic form,(169) while others have preferred the democratic. Some writers, again, have laid it down that there is no absolutely perfect constitution,(170) and that the best form of government cannot be determined.(171) The divergence of solutions of this problem has been

(165) See the remarks of M. C. Comte (*Traité de Législation*, liv. i. c. 15), who says that, in order to investigate the laws which cause the prosperity or decline of societies, it is unnecessary to inquire whether a law is democratic, aristocratic, or monarchical; and, consequently, that he need not take any notice of the different forms of government.—Tom. i. p. 286.

(166) See Conring, *Diss.* xx. 'De Optimâ Republicâ;' *Op.* vol. iii. p. 823: Burlamaqui, *Principles of Politic Law*, part ii. c. 2.

(167) *Tract. Pol.* c. 6, § 7.

(168) Puffendorf, vii. 5, § 22. In Plato, *Politicus*, c. 41, it is said that monarchy, combined with good laws, is the best government.

(169) *Inst.* iv. 20, 8.

(170) Zachariä, vol. iii. p. 28.

(171) Puffendorf (*ib.*) considers the problem as indeterminate, and refers to the words of Marcellus Eprius, in Tac. *Hist.* iv. 8: 'Se meminisse temporum quibus natus sit, quam civitatis formam patres avique instituerint; ulteriora mirari, præsentia sequi; bonos imperatores voto expetere, qualescunque tolerare.' It is also treated as doubtful in Dion. Hal. *Ant. Rom.* ii. 3.

Sir W. Temple likewise holds that the best form of government cannot be determined.—*Works*, vol. ii. p. 50, 8vo. Burlamaqui concludes his discussion of the question, which is the best form of government, in the following words: 'If it should still be asked which government is best, I would answer, that all good governments are not equally proper for all nations; and that, in this point, we must have a regard to the humour and character of the people, and to the extent of the states.'—*Principles of Pol. Law*, part ii. ch. 2, § 46. Several books, in which the problem of the best form of government is discussed, are enumerated in Krug, *Philos. Handwörterbuch*, art. 'Staats Verfassung.'

great; but whenever it should hereafter be treated, the distinction between the historical and the constructive problems should be carefully borne in mind, and the inquirer should clearly inform his reader whether he merely attempts, by giving a general expression to past facts, to compare the advantages of different forms of government, or undertakes to form an ideal government better than all others.

Chapter XXIII.

ON POLITICAL CONDUCT.

§ 1 IN the preceding chapters we have investigated the distinction between the science and art of politics. We have shown that the art of politics lays down general maxims and rules to be applied in practice, and we have further analyzed the process by which general maxims are applied to actual cases. It now remains for us to examine more fully the subject of political practice: and for this purpose we will begin with an inquiry into the nature of political conduct.

All political conduct is resolvable into a series of political acts—a political act being an act done by a person in a political capacity, that is to say, in some capacity directly affecting the state. Now it will be found that in every political act, the practical problem consists in the proper choice between several alternative courses of action. In all cases where a person is called upon to act in a political capacity, he is presented with an option between different lines of conduct; and it is by the wise exercise of his power of selection that the problem presented to him is to be rightly solved.

The alternatives of action thus presented to a person are sometimes confined within definite, and it may be narrow limits. They may, for example, be dictated to him by law, or by a usage equivalent to law; or they may be imposed by an overwhelming necessity, or offered by a negotiating party. At other times, they depend only upon the circumstances and character of the subject-matter, and may, to a considerable extent, be framed according to the views and inclinations of the agent. For the proper elucidation of the subject, it will be necessary to consider each of these cases separately.

§ 2 The principal end of all legal regulations is to limit human action, and to impose certain restraints upon conduct.

This purpose is accomplished by presenting to the agent some painful alternative if he does not shape his course in accordance with the law. The law, therefore, principally manifests its operation in determining the daily conduct of each member of the community in his private capacity. It is not, however, confined within these bounds—for it extends also to many acts done in a public capacity. Whenever any act is done in execution of an existing law, or when the proceedings of deliberative assemblies, courts of justice, or other legally-organized bodies, are conducted according to legal or customary rules, the choice of the agent is limited within certain prescribed alternatives. In all action which is to be carried on in conformity with law, the legal provisions prescribe certain paths, along one of which our journey must be taken. Thus, it is the object of the rules of pleading to raise a certain issue for the decision of the court; it is the object of the regulations for the proceedings of deliberative bodies that a member should propose a certain question, which can be decided in the affirmative or negative; and all the steps taken by the contending parties must be made in conformity with the fulfilment of these conditions.

The alternatives presented to the politician may, again, be limited, not by law, but by a moral necessity. Such, for example, are the terms prescribed by a victorious enemy; or in peaceful negotiation, where the parties are on an equality, the terms of a treaty may be tendered as an ultimatum by one party, and the other party must either accept or refuse them. Similar negotiations may take place within a state, between members of the legislature, or of the government, or a particular executive department, and the representatives of a body, or party, or persons having a common interest in some matter. In a case of this sort, offers may be made which practically limit the choice to certain prescribed alternatives.

In times of dangerous insurrection and internal commotion—of famine, invasion, or any other great national calamity or defeat—a government may find its freedom of action narrowed

to the choice of a very small number of alternatives—all or nearly all of which may be either dishonourable or painful. For example, after the battle of Thermopylæ, Themistocles and the Athenians had only to choose between a temporary abandonment of their country, and a submission to the Persian power. Similar alternatives were presented to the Russians with respect to Moscow, after the battle of Borodino. After Waterloo, Napoleon could only attempt escape, or surrender his person to the enemy.

§ 3 In the ordinary state of things, however, the course of political action is not limited, either by law, or by a moral necessity, to a small number of alternatives. The politician has, in general, a wide discretion, and a choice of numerous courses. This is particularly the case in the province of legislation, as to which, except in the forms of proceedings, positive law can impose no limit.

The path of the legislator is, indeed, to a considerable extent circumscribed by the existing state of legislation, and by the habits, opinions, and other circumstances, of the community over which his law is to have force. But, within these limits, there is in general a wide field for the exercise of practical sagacity and inventive resource. When, therefore, any legislative problem is proposed for solution, the ingenuity of the projector is taxed, and plans, schemes, arrangements, contrivances, adaptations of means to ends, are in request. When the various modes of dealing with a practical question have been brought together—when the most specious remedies for an admitted evil have been devised and collected, the second and final stage of the problem is reached, which consists in comparing these alternative courses, and selecting that one which is preferable to any other.

§ 4 It is in weighing and comparing these alternative courses—in recommending one for adoption—in attacking one which has been preferred by others, or in defending one which has been condemned by others—that deliberative oratory consists. If the debates of a deliberative assembly upon any legislative or other practical question are examined, it will be found

that they invariably consist in the comparison of alternative courses, and in the preference or rejection of some of them.

A few examples may be adduced, rather in the way of illustration, than for the purpose of enforcing a truth so apparent:—

Some of the earliest debates reported to have been held in antiquity must be considered as fictitious, but they serve as well as if they were true to exemplify the character of a deliberative discussion. No better instance can be found than the deliberation which forms the opening scene of the *Iliad*. Alarmed at the deaths in the Greek army from pestilence, and the anger of Apollo, Agamemnon convenes an assembly of the Greeks. In this assembly, Achilles proposes to consult a diviner as to the cause of the god's wrath, and the proper mode of propitiation. Upon this, Calchas, having received assurances that he may speak the truth without fear of Agamemnon's displeasure, declares both the cause of the calamity and the means of averting it—he recommends the restoration of Chryseis to her father, and the sending of a hecatomb to the island of Chryse. Agamemnon is reluctant to part with Chryseis, but at length consents to give her up, believing that this course is the best for the Greeks, and wishing to preserve the army from destruction.(1) The measures for appeasing Apollo are then indicated in detail, and agreed upon; but Agamemnon insists on being provided with a substitute for Chryseis, and threatens to take Briseis from Achilles, which leads to the further action of the *Iliad*. Again: Herodotus introduces the seven Persian conspirators who killed Smerdis, as deliberating upon the form of government to be then introduced into the Persian empire. Otanes recommends democracy, Megabyzus recommends oligarchy, and Darius recommends monarchy. The other four conspirators are described as agreeing with Darius in the preference of the latter alternative.(2) The

(1) ἀλλὰ καὶ ὡς ἐθέλω δόμεναι πάλιν, εἰ τό γ' ἄμεινον.
βούλομ' ἐγὼ λαὸν σῶν ἔμμεναι ἢ ἀπολέσθαι.—*Iliad*, i. 116-7.

These two verses indicate the two alternatives presented to Agamemnon and the Greeks, viz. the retention of Chryseis, and the continuance of Apollo's anger: her restoration, and his consequent propitiation.

(2) Herod. iii. 80-3.

same historian likewise describes a deliberation, in a Persian council of state, respecting the proposed expedition against Greece; which Xerxes, and Mardonius, one of his advisers, recommend, and Artabanus, another councillor, dissuades.(3) The Persian deliberations in Herodotus must, indeed, be considered as not less fictitious than the debate of the Greek chieftains in the *Iliad;* but if we pass to deliberations of which an authentic contemporary record has been preserved, we shall find their character precisely similar. Let us take, for instance, the celebrated debate upon Mytilene, in the fourth year of the Peloponnesian war, as recorded by Thucydides. The Athenian assembly had decided to punish the revolt of the Mytileneans, by putting the adult males to death and by selling the women and children as slaves. After the order for carrying this decision into effect had been despatched, the people began to change their mind, and to repent that so cruel a decree had been passed. A second assembly was accordingly held, in which the question was discussed, whether the previous decision should be maintained, or its execution stayed, and a milder course of action adopted. The latter alternative prevailed.(4) So, in the debate in the Roman senate upon the punishment of the Roman citizens who were concerned in the Catilinarian conspiracy, two alternatives were proposed—one, by Cæsar, to confiscate their property, and to imprison them in some of the larger municipia; the other, by Cato, that they should suffer death as confessed traitors. The senate decided in favour of the latter course.(5)

The advice of the Spanish privy-councillors upon the subject of the Netherlands, tendered to Philip II. (as reported by Bentivoglio) revolves about two alternative courses: viz., whether an attempt should be made to retain the existing relation between that province and Spain—or whether the Netherlands should be erected into an independent state, attached to the Spanish crown.(6)

(3) Herod. vii. 8-11. (4) Thuc. iii. 36-49.

(5) Sallust. *Cat.* c. 50-5.

(6) See Bentivoglio, *Della Guerra di Fiandra,* parte iii. lib. 4, vol. iv. p. 247; ed. Milan. Compare Watson's *Philip II.* b. 24, vol. 3, p. 326-30.

Again: the deliberations of the Venetian senate, in 1793, upon the measures to be taken with reference to the probability of an invasion by the French, turned upon the choice between inaction and an armed neutrality—the former of which courses was preferred.(7)

The recorded debates of the English parliament, as well as of the legislative bodies of other modern states, will in like manner be found to consist, for the most part, of the discussion of rival alternative courses, proposed or suggested by various speakers. All propositions for a change of policy—for reforms in the constitution of parliament, the church, the courts of justice, the army and navy, the administrative departments, or for amendments of the law, necessarily involve, in the first place, the comparison between the retention of the existing state of things without alteration, and the proposed remedy—and, secondly, they involve in general a comparison of several remedies. The first step is to decide that a change is expedient; the next is, to select out of several alternative remedies, proposed by different persons, that which is best suited to the circumstances of the case.

§ 5 The process of deliberation, with respect to any future political step, which a person goes through silently in his own mind, is precisely parallel to that which is conducted, *vivâ voce*, by several persons in a consultative assembly. The chief difference is, that the criticism on the successive plans, which in the former case proceeds from our own reflections, is in the latter suggested by a plurality of counsellors. Hence, Shakspeare compares the conflicting thoughts and oscillations of resolution, in a person about to execute some bold and dangerous design, with the dissensions of a council:—

> Between the acting of a dreadful thing
> And the first motion, all the interim is
> Like a phantasma, or a hideous dream.
> *The genius and the mortal instruments*
> *Are then in council;* and the state of a man,
> Like to a little kingdom, suffers then
> The nature of an insurrection.(8)

(7) Botta, *Storia d'Italia dal* 1789 *al* 1814, lib. iii.
(8) *Julius Cæsar,* act ii. sc. 1.

The description given by Quintus Curtius of the hesitation of Alexander in his Asiatic campaign, when he was stopped by a hill-fort, will serve to illustrate this internal debate: 'Ille, ut erat animi semper obluctantis difficultatibus, cum et progredi arduum, et reverti periculosum esset, versabat se ad omnes cogitationes; aliud atque aliud (ita ut fieri solet ubi prima quæque damnamus) subjiciente animo. Hæsitanti, quod ratio non potuit, fortuna consilium subministravit.'(9)

Accordingly, deliberation can be predicated not less of solitary meditation than of joint consultation in an assembly. This is the sense of the word in the fine verses of Milton, which Sir James Mackintosh applied to Mr. Pitt:

> Deep on his front engraven
> Deliberation sat, and public care.

The deliberation of an individual as to his own future conduct in some matter of private concern is, again, similar to his deliberations upon political affairs. No better exemplification of such a course of reflection can be found, than the soliloquies in which dramatic writers represent their personages communing with themselves, and thinking aloud for the benefit of the audience, many of which will occur to the reader. Thus, Medea, in Euripides, enumerates the different means by which she may put her husband and his paramour to death—either by setting fire to their palace, or by secret assassination, or by poison, or by openly stabbing them with a sword—and doubts which she shall adopt.(10) The two celebrated soliloquies, in which Ajax and Hamlet resolve the question of suicide in different directions, may be referred to as furnishing an apt illustration of the manner in which the mind compares, and decides between, alternative courses in a case of individual conduct. Ajax asks himself, first, whether he shall leave the Grecian army, and return ingloriously to his father at Salamis; or, next, whether he shall attack the Trojans single-handed, and seek a warrior's death in the encounter. He rejects each of these alternatives, for different reasons,

(9) vi. 6. (10) *Med.* 376-93.

and decides in favour of suicide.(11) Hamlet, on the other hand, after considering the various evils of life, and the facility of putting an end to them by suicide, begins to reflect on the uncertainty of the relief which would be derived from a plunge into a new and unknown state of being, and concludes that—

> 'Tis better to endure the ills we have,
> Than fly to others that we know not of.

§ 6 In all human conduct, but particularly in political affairs, the alternative courses to which our choice is practically limited are often only three in number—that is to say, two extremes and a mean. We may take either the road which branches off to the right, or that which turns away to the left, or we may follow that which runs in a middle course between the two. Certain slight deviations from these main roads may be practicable, but in general it is along one of these great lines that our way must lead. For example, a law, or regulation, or treaty, may either be upheld in its integrity, or it may be altogether repealed and rescinded, or it may undergo modification.

Aristotle has founded his ethical theory upon the principle, that virtuous conduct is a mean between vicious extremes;(12) for example, that courage is a mean between foolhardiness and cowardice—liberality, between parsimoniousness and profuseness, and so on. This mode of viewing conduct cannot be extended universally to political practice, inasmuch as an extreme course may, in certain cases, be the right one. For instance, the choice lying between entire inaction, or a petty war, or a military effort in which all the national resources are exhausted, the latter may be the wisest course. Or, again, if some extension of political rights is demanded by a popular party, and the choice lying between an absolute refusal, a partial concession, and an entire concession,

(11) Soph. *Aj.* 457-80.

(12) 'Virtus est medium vitiorum, et utrinque reductum.'
Horace, *Epist.* i. 18, v. 9.

the latter course may offer the most reasonable prospect of a permanent settlement of the question. But although, in politics, it cannot be affirmed that the middle course is the virtuous one, yet it is often the only course which can be adopted with safety. Even in cases where, if they are abstractedly considered, and with reference to general tendencies, an extreme course would be preferable, existing habits and interests, and the state of public opinion, render some temperament—some intermediate course—expedient. Hence the prevalence of *compromises* in politics, by which each contending party abates something of its pretensions, and acquiesces in an arrangement less favourable to itself than that which it claims, but less unfavourable than that claimed by the other party. Thus, if two nations have a question of disputed boundary, they may settle the dispute by agreeing to an intermediate line, which gives each country less than it claims, but more than it would have if the full claim of the other side were admitted. So, if two rival interests contend about a rate of duty, one wishing for a high rate, and another for a total abolition, the matter may be compromised by fixing a moderate rate.(13)

Compromises are inadmissible where a principle is to be maintained, and where a partial concession cannot be made without surrendering the entire question at issue between the parties. Thus, it might happen that the non-assertion of a national right, even for a time, would be construed as its abandonment. The choice of the *via media,* though it is often highly salutary, must be made with discretion; for sometimes success is only to be found in one or other of the extremes, and an attempt to partake of the advantages of *both,* ends in a failure to obtain the benefits of *either*. Machiavel is particularly earnest in cautioning rulers against the adoption of a middle course between government by fear and government by kindness.(14)

(13) 'Extremes are to be disclaimed,' is a maxim laid down in Hamilton's *Parliamentary Logic*, p. 14. In general, the disclaimer of extremes conveys an impression of moderation and fairness, and is acceptable to the majority of a large and mixed assembly.

(14) See *Discorsi,* ii. 23; iii. 40.

He says that the true mode of governing is either to render your subjects incapable of injuring you, or to exercise your power in such a manner, that they are not likely to desire a change of governors. He appeals to the practice of the Romans in support of this maxim, who, he says, never followed the other pernicious rule of action, but always, when they annexed a state to their empire, destroyed its power of resistance, or placed it in a position which left no motive for rebellion.(15) And he contrasts this wise practice with the error of the Samnites, who, having enclosed the Roman army in the Caudine pass, compelled them to walk under the yoke, but allowed them to escape with their lives, contrary to the advice of the aged Pontius, who recommended that they should either be released without harm, or be all put to death; whereas the middle course actually chosen left them with undiminished power of injury, but added a galling sense of disgrace.(16) A similar remark applies to the policy which has been sometimes pursued with respect to the enforcement of religious opinions by the state. Heretical opinions may be crushed and extinguished by consistent severity, as was done by the Italian and Spanish governments in the sixteenth, and to a considerable extent by Louis XIV. in the seventeenth, century. On the other hand, the government may abstain altogether from dictating in religious matters to its subjects—in which case, it avoids all the evils of religious discord which do not arise spontaneously between members of the different sects. But

(15) He cites the following remarks of L. Furius Camillus, the consul, (335 B.C.) respecting the treatment of Latium: 'Dii immortales ita vos potentes hujus consilii fecerunt, ut, sit Latium deinde, an non sit, in vestrâ manu posuerint. Itaque pacem vobis, quod ad Latinos attinet, parare in perpetuum, vel sæviendo, vel ignoscendo, potestis. Vultis crudeliter consulere in deditos victosque? licet delere omne Latium, vastas inde solitudines facere, unde sociali egregio exercitu per multa bella magnaque sæpe usi estis. Vultis exemplo majorum augere rem Romanam, victos in civitatem accipiendo? materia crescendi per summam gloriam suppeditat. Certe id firmissimum longe imperium est, quo obedientes gaudent.'—Livy, viii. 13.

(16) The comment of Herennius Pontius upon this middle course was: 'Ista quidem sententia ea est, quæ neque amicos parat, neque inimicos tollit. Servate modo, quos ignominiâ irritaveritis. Ea est Romana gens, quæ victa quiescere nequeat.'—ix. 3.

the intermediate course of moderate legal pressure (which was that adopted by England towards Ireland after the revolution of 1688) neither extirpates heterodoxy, nor conciliates the support of the heterodox sects. It subjects the member of a proscribed creed to a teasing and vexatious regimen, but neither drives him out of the country, nor brings him over to the religion of the government.

Machiavel's maxim, however, is not of very extensive application, for political alternatives do not often consist of two definite and clearly-marked lines. In general, political differences are differences of degree; and, hence, the dominion of compromise over the region of politics is very extensive.

A government often finds, or ought to find, itself in the position of an impartial arbitrator between the conflicting claims of rival bodies and interests among the people. Having considered and weighed the merits of their several pretensions, it attempts, by mediating between them, to bring them to a common understanding, and to effect such an arrangement as shall reconcile the general interest of the community with a partial satisfaction of the opposing interests. Where the conflict takes the form of an attack upon an institution, which one section of the community considers as advantageous to itself, the government may compromise the matter by modifying the institution, without going to the length of its entire abolition.

In the management of private affairs, compromise likewise often has a place, as, when two persons dispute about a right of property, they may settle the matter by dividing the subject of dispute, according to some proportion to be agreed upon. It is, however, less often applicable in private than in public affairs; because a person, in deciding upon the choice of a profession or trade, upon marriage, upon the education of children, and the like, is not called upon to shape his course with reference to classes of men, and contending bodies in the state, but has merely to decide between alternative courses in reference to his own circumstances.

§ 7 In chusing between several alternatives, men in general

prefer that which promises the most open and traversable course to the attainment of their object. They rather avoid obstacles by turning the flank of the position, than attack them in front, and endeavour to beat them down. Hence, in taking a retrospective view of the history of a community, we are reminded of a river, which is constantly moving onwards; its winding though progressive course being determined to the right or left by the impediments which resist the pressure of the current.

§ 8 The choice between alternative courses in politics, and the preference of that which seems to be the most advantageous, is often influenced by a calculation of the probable conduct of another party, who is acting in an adverse sense. Hence political action, especially when independent states are concerned, has often been compared to a game of chess. The move of each player depends on his calculation as to the next move of his antagonist. In politics, however, as in chess, it is seldom possible to anticipate the precise move which an opposing party will make in a certain contingency. The nearest approach to a sure prediction which can be made is, to reduce his choice to a limited number of foreseen alternatives. By our move, we perform a practical *abscissio infiniti*—we cut off our antagonist from all possible courses except a certain small number, and we await with confidence his adoption of one of those courses. We know that, unless he throws away the game, he must make one out of a few moves; but which of these he will prefer, we are uncertain until his choice is made. Thus, if two governments are negotiating about a claim which one makes upon the other, and that which makes the claim puts in an ultimatum, it knows, in taking this step, that the other government must either submit absolutely, or incur the chance of war. It may, however, be quite unable to form even a probable conjecture which of these two courses the other government is likely to adopt. When the Emperor Alexander refused to negotiate with Napoleon after the French army had entered Moscow, he knew that Napoleon must chuse between three alternatives; 1, either to advance further into Russia in pursuit of the Russian army; or, 2, to occupy

Moscow during the winter; or, 3, to make a winter retreat towards France. He might not be able to judge with certainty which of the three courses Napoleon would prefer; but it was sufficient for his purpose to leave the enemy to chuse one of them, and when the step was taken to act accordingly.

§ 9 The choice between alternative lines of conduct, which we have been considering, involves the question of free will and necessity: and it is therefore incumbent upon us, before we conclude the present chapter, to advert to this subject.

The nature of the will, with respect to the freedom of its determinations, may be the subject of metaphysical science. It may be treated simply with reference to psychological grounds, of which mode of treatment, the essay of Brown upon cause and effect affords an example. Again, it may form a part of ethical science, and may be considered in connexion with the subject of moral responsibility. Lastly, it may be made a theological question, and be viewed in reference to the predestination of human actions by Divine providence.

Now, whichever of these points of view the inquirer may adopt, they equally lie beyond the confines of political science and political practice. All political discussion, whether speculative or practical, constantly assumes that man is a self-moving agent, that he determines his own will, that he has the power of chusing or rejecting any given course of conduct, and that he is responsible for his own acts. All the proceedings of a government rest upon the same assumption. They imply that men's conduct can be influenced by punishment and reward; that punishment will deter, and reward encourage. All deliberation likewise assumes, that the choice between alternative courses of action is free—that we are not impelled to any one course by an overruling necessity, and that our conduct does not follow in the track prescribed by a blind fatality.

The argumentative difficulties connected with the subject of human volition belong rather to metaphysical than to political, or even to ethical inquiry.(17) Like many other questions which

(17) See Mill, *System of Logic*, b. vi. c. 2 ('Of Liberty and Necessity').

involve merely a description or statement of facts with respect to the operations of the mind, the nature of the will admits of wide divergences of opinion. But the controversies thus arising do not, in general, give birth to equally wide divergences of practice — they confound and perplex the understanding, rather than mislead men's practical judgment. They are like a logical puzzle, which we may be unable to solve, but which does not influence our belief,—or like the tricks of a conjuror, which we cannot explain by natural causes, but which we nevertheless do not believe to be supernatural.

If there be any inaccuracy of language connected with the subject of the will, which may be considered as likely to lead to practical error in politics and jurisprudence, it is that which describes as involuntary a voluntary act, accompanied with pain. Moreover, the question of liberty, considered with reference to government, is of primary importance in political discussion. Liberty is a word with which a variety of stimulating associations are connected; it is of constant occurrence in practical politics; and some speculators have regarded it as the end of all political government. For these reasons, it will be fitting that we should inquire what is the nature of political liberty or freedom, and what is meant when it is said that political liberty is abridged or restrained.

§ 10 A man is said to be free when there is nothing which hinders him from doing or forbearing what he desires to do or forbear. That which hinders a man from doing what he desires to do, is called *restraint:* that which hinders a man from forbearing what he desires to forbear is called *constraint*, or *force*. Restraint, is when there is an obstacle which the physical power, or the will, cannot overcome, as, when a man is bound hand and foot, he is restrained from exercising his will to move; when a man is imprisoned, he is restrained from exercising his will to go out of prison. Force, is when there is a power which overcomes the desire of inaction, and renders motion necessary, as when a man is dragged or carried to prison. In the one case, the exertion of the will is frustrated when the agent desires to exert it;

in the other, its want is supplied when the agent refuses to exert it.(18)

Liberty, therefore, in its primitive sense, implies three things: 1, power or capacity of action or forbearance; 2, absence of an obstacle which the will cannot overcome, when there is a desire to act; 3, absence of superior power compelling bodily motion, when there is a desire to abstain from action. The word *liberty* is used in this strict acceptation when it denotes the absence of imprisonment, in the sense of being at large. Thus, we say that a captive has regained his liberty when he escapes from the place of his confinement; for we signify by it the absence of *physical* restraint. This is the original and appropriate meaning of liberty; and, according to this use of the term, a man is said not to have his liberty, or not to be free, when either force or restraint is actually applied to him. But, in a metaphorical sense, it is used when pain, to be inflicted by the application of force or restraint, is threatened, if a certain act is not done or forborne, the force or restraint being employed, not to compel the agent to do or forbear the act, but to inflict pain upon him for not doing or forbearing it. In this case, an agent is said not to have the liberty, or not to be free, to do or forbear the act, although there is no physical impediment which prevents him from doing it, nor any force which prevents him from forbearing it, his choice being determined by a painful motive, viz. by the fear of suffering greater pain if he does what he desires than if he does not. Thus, it would be said that a man had not the liberty of going into a certain field, if, the gate being left open, he was liable to a heavy penalty for walking in it, for although there is no physical impediment which prevents him from entering it, yet, if he enters it, he will suffer pain, inflicted by force or restraint. According to the strict sense of liberty, a man would only be deprived of the liberty of entering a field if it were surrounded by an impenetrable fence, or if the only accessible approach were strongly guarded by armed men. Be-

(18) On this subject, see Tucker's *Light of Nature*, vol. iv. p. 140. Compare Godwin's *Political Justice*, b. 4, c. 7.

tween these two cases, there is the same difference as between an army being unable to gain a post after many fruitless attempts, and their abstaining to attack it from the fear of being defeated by superior numbers. In like manner, a man is said not to have his liberty to remain at home, if he is commanded by the government to serve in the army or navy, in which case no force is used to carry him, nor restraint to keep him from home, but an infliction of pain is threatened if he does not serve as he is commanded. If a man is gagged, his liberty of speech is taken from him in the original sense of the word; if he is threatened with death in case he speaks, it is taken away in the secondary and more usual sense. A man in prison has not his liberty in the first sense—a prisoner on parole has not his liberty in the second.

In every case, therefore, where a person is determined by the fear of punishment, either to do an act which he desires to leave undone, or to abstain from an act which he wishes to do, he is said not to be a free agent, and to be deprived of his liberty. In strictness of speech, no command can restrain from an act or force to an act, and consequently no command can take away liberty;(19) but as a command operates by the fear of its sanction, and as the will is determined contrary to the agent's wish by a painful motive, which bears an analogy to restraint or force, a command is said to restrain, and to force, and to take away liberty.

It follows that liberty, in its primary and proper sense, signifies a power of acting without being restrained, or a power of forbearing without being forced; and that, in its secondary and derivative sense, it signifies a power of doing or forbearing cer-

(19) '*Chorus.* Where the heart joins not, outward acts defile not.
'*Sams.* Where outward force constrains, the sentence holds.
But who constrains me to the temple of Dagon,
Not dragging? The Philistian lords command—
Commands are no constraints. If I obey them,
I do it freely, venturing to displease
God for the fear of man, and man prefer.'
Samson Agonistes, v. 1368-74.

In these verses, Milton describes the nature of constraint, and of the freedom of the will, with metaphysical precision.

tain acts, without apprehending an infliction of pain, by means of restraint or force, as a punishment for those acts or forbearances. Political liberty, therefore, is merely an exemption from political duties, and is a purely negative term. But inasmuch as this exemption from duties would be unavailing, unless it were accompanied with the possession of legal rights, the term liberty is often used as a compendious expression to denote both the negative and positive facts—the exemption from legal duty, and the rights which guarantee that exemption, and render it effectual. It is in this sense that we speak of the 'liberties of an Englishman.'

Properly speaking, whatever a person does without the actual application of compulsive physical force, he does voluntarily. In the eye of the metaphysician, the man who pays a fine under the sentence of a court, or who walks to the scaffold, performs a voluntary act. But in popular language, a man is not a free agent, whose will is pressed against his inclination by a painful motive. In order to constitute free agency, the ordinary usage of words demands that the desire and the will should concur. Hence, a person who has to chuse between two painful alternatives—for example, to be shipwrecked, or to throw his goods overboard—is said to act involuntarily. And for a like reason, a person who is precluded from a certain course by the fear of legal sanctions, is said to be deprived of his political liberty.

These remarks will suffice to elucidate the nature of political liberty, so far as it concerns the question of political conduct. As all conduct, whether political or not, has a prospective bearing, and is made upon certain anticipations of coming events, we will next attempt to ascertain how far the politician, both scientific and practical, is capable of determining the future.

Chapter XXIV.

UPON PREDICTION IN POLITICS.

§ 1 IN political practice, every step which is taken concerns the *future* as well as the *past*. The decision of a court of justice upon a criminal prosecution, or upon a controversy of civil right, though founded upon antecedent facts, has a necessary bearing upon the future. In the one case, it either directs the liberation of the prisoner, or sentences him to a punishment; in the other case, it denies or grants to the plaintiff the redress which he seeks to obtain from the defendant. In either of these contingencies the decision of the court is followed by certain effects, and therefore deals with a future period of time. Administrative proceedings, in like manner, though growing out of foregone facts, determine men's conduct for the future. The steps which are taken by a revenue department, for example, for the collection of a tax, govern the subsequent conduct of the tax-payers. And, lastly, legislative measures are, for the most part, wholly prospective in their operation. They are framed with reference to a pre-existing state of things, and to our experience of the past, but their effect is necessarily future, even when it includes prior rights and contracts.(1)

In every case, therefore, where a political act is done, we are concerned with futurity, and we set in motion an influence which will operate upon men's conduct *after* the period of the step which we take. Whether we foresee the consequences of our act or not, it will undoubtedly be attended with consequences —it will modify the conduct of others, and determine their wills

(1) According to Aristotle (*Rhet.* i. 3), the ecclesiast, or member of a legislative assembly, judges concerning the future, whereas the dicast, or member of a judicial assembly, judges concerning the past. This distinction, however, cannot be supported. Both come to a practical decision, founded on the past, but having reference to the future.

in some direction different from that in which they would have moved if they had not been subjected to that influence. Now the great problem which a practical politician has to solve is, the determination of the effects of a proposed measure. In proportion as he can calculate the future effects of a present act, he will exhibit one of the main qualifications of his office. We have already, in a former chapter,(2) examined the process by which the future effects of a given cause in politics are to be investigated; and we propose now to follow up that inquiry by considering, more at large, the extent to which political prediction can be carried, and the limits by which it is bounded, as compared with other departments of practice and knowledge.

§ 2 It is generally assumed that there is a broad distinction between the physical sciences, on the one hand, and the sciences relating to the moral and mental nature of man on the other, as to their respective powers of prediction. The common belief is, that the former can to a great extent anticipate the future with certainty, whereas the latter can only guess at it with various degrees of probability. For this distinction there is some foundation, but it is stated in too indiscriminating a manner, and it establishes a contrast between the physical and moral departments of theory and practice which a detailed analysis does not confirm.

Before we proceed to compare the prophetic powers of these two classes of sciences, we may previously remark that the mathematical sciences—arithmetic, algebra, geometry, and the higher calculus—do not, by the form of their expression, involve any question of time, and therefore are not limited in their application to the past. The proposition that twice two is four, that two sides of a triangle are greater than a third, or that in the parabola the square of the ordinate is equal to the product of the parameter and abscissa—is as true with respect to all future, as it has been with respect to all past time. It is true that time admits of being measured by number, and that arith-

(2) Above, ch. xiii.

metic is applied to the computation of time; but such arithmetical calculations are just as applicable to future as to past time.

In fact, the idea of prediction does not at all apply to the abstract sciences of magnitude and number; nor, indeed, is it applicable to science in general, in the same sense in which it is applicable to art or practice. Those sciences which lay down general laws of sequence, do not affirm that a certain cause will produce a certain effect in any individual case. They affirm a certain relation of cause and effect with respect to an entire class of phenomena. This is virtually a prediction; but it is a prediction in a different sense from the prediction of the experimenter, who affirms that, in the actual case before him, a certain event will happen—or from the prediction of the astronomer, who affirms that the moon will be eclipsed at such a moment on such a day. Prediction, properly speaking, refers to a single event, and affirms that, in an actual and concrete set of circumstances, a certain effect will be produced; whereas the anticipations of science are general, and merely affirm that, in a hypothetical and abstract state of things, a certain cause will produce a certain effect. In other words, it predicts generally the tendency of a cause to produce a certain effect, in so far as its operation is undisturbed by other causes, of which the pure theory takes no account.

§ 3 One important class of the physical sciences consists of those which describe natural objects, and their permanent laws of causation, without reference to a cyclical recurrence. Under this head are included mechanics, hydrostatics, optics, acoustics, chemistry, thermology, and the sciences of electricity, magnetism, and galvanism. These sciences are principally occupied with determining the sequences of the proper phenomena: *e.g.* mechanics, in explaining the laws of motion and equilibrium for solid bodies, and hydrostatics the same for fluids; optics, in explaining the properties of light; acoustics, of sound; chemistry, in tracing the relations of material particles, and so on. These phenomena either co-exist according to a constant relation, or succeed one

another in a constant sequence, which has no reference to a fixed period of time, and hence a law of physical causation, or a fact of physical co-existence, when once determined, is as true of the future as of the past.(3) For example, the laws of motion in mechanics, or the law of equilibrium of fluids, are universal truths, not limited to the past, and will retain their truth as long as the order of nature remains unchanged. So the proposition that platinum is heavier that gold, that mercury becomes solid at a certain temperature, or that animals of the ox species ruminate, will be as true next year as it was last year, and as it is at the present moment.

When any physical fact or sequence has been completely determined, and the phenomena are of such a nature as to be within our command, we can reproduce them at will in the experimental method, and can therefore predict them with certainty in an individual case. We know, for instance, that we can repeat Lavoisier's experiment upon the absorption of oxygen by combustion; we know that white light can be analysed into its component rays, by refraction through a glass prism; we know that electricity can be generated by the friction of certain substances.(4) But if the physical sequence (though capable of determination when the elements can be isolated) is out of our power, and is liable to be acted on by disturbing elements which we cannot command, then its prediction is subject to uncertainty. For example, the pressure of water upon a bridge or dyke may be computed, and the strength of the resistance arranged accordingly; but if the pressure should be increased by unforeseen circumstances beyond the amount calculated on, the bridge or dyke may be washed away. Hence, with respect

(3) M. Comte (*Cours de Phil. Pos.* tom. vi. p. 815) speaks of the 'extrême imperfection, à la fois scientifique et logique, des études chimiques, où la prévision rationnelle, qui caractérise surtout la veritable science, n'est presque jamais possible aujourd'hui qu'à certains égards secondaires.' This view of chemistry is only true with respect to those substances or phenomena which have not been the subjects of experiment. Experiments in chemistry which have been made can be repeated *ad libitum,* and in this sense prediction is possible.

(4) Above, ch. vi. § 3.

to physical sequences which we cannot control, we can only affirm the *tendency* of causes to produce their appropriate effects, inasmuch as we cannot exclude the operation of disturbing or counteracting causes. Thus, we can affirm the tendency of a heavy body to roll down an inclined plane, but the extent to which that tendency may be checked, will depend upon the inclination of the plane, the smoothness of its surface, the shape of the body, its specific gravity, &c. These counteracting causes may be such as to overcome the downward tendency of the body, and to keep it at rest.

It has been remarked that time is an element in dynamical, but not in statical problems.(5) Equilibrium is conceived as existing at a single *punctum temporis*, whereas motion is conceived as occupying a certain period of time. This distinction, however, does not limit the prophetic powers of dynamics, as compared with statics. Although time is an element of dynamical problems, it is a hypothetical, not an actual period, and the portion of time which enters into the calculation may as well be taken with reference to the future, as with reference to the past.

So long as we describe facts or co-existences in nature—as when we say that gold is yellow, or that lead is heavier than iron—and so long as we lay down ascertained laws of sequence with respect to physical phenomena which we can command, the proposition is independent of time, and is as applicable to the future as to the past: it is expressive of the result of our universal experience of the past, which we have every reason to believe will accord with our experience of the future. But when we come to apply our general scientific propositions in untried operations of practice—when we proceed to make new and unascertained combinations of natural substances, or new applications of mechanical powers, our prediction in each individual case is uncertain, and the result can only be determined by actual experiment. Hence, the invention of all new machines and mechanical contrivances is a tentative process: the mechanist, however

(5) See Comte, *Phil. Pos.* tom. i. p. 580.

skilful, and however well versed in the theory and practice of his art, cannot be sure of the working qualities of his new machine or instrument until he has subjected it to an actual trial. Operations in engineering, such as the construction of roads and bridges, of harbours, breakwaters, and sea-walls—or in drainage and irrigation, require to be tested by actual use before their success is certain. Inventions in the departments of chemistry and optics must also be verified by experience, and cannot be trusted to mere scientific anticipation. The aptitude of a room for hearing sounds cannot be determined, *à priori*, by the theory of acoustics, and must be made the subject of experiment before it can be known with certainty. In all such cases as these, the *experimenta fructifera* of Bacon must be applied, in order to determine how far the general predictions of theory have sufficed for guiding the operations of the practical man.

In comparing the prophetic powers of physical and political science, we must bear in mind that no science can properly be said to predict anything. The general affirmations of a science apply, indeed, equally to the future and to the past; but this is true of political as well as physical science, so far as human nature, the subject-matter of politics, is unchangeable. Scientific prediction, properly so called, is made in physics by the application of the principles of a scientific art, not of a mere science or theory, to the facts of an actual case. Now we may observe that, when the question relates to some mechanical contrivance of man's hands—some operation upon external nature—the uncertainty of physical prediction is, if not as great as that of political prediction, at least very considerable. When the sciences of mechanics, hydraulics, and acoustics come to be applied to constructive works—to fortifications, dykes, moles, docks, harbours, breakwaters, lighthouses; to the supply and transport of water by aqueducts, pipes, drains and sewers; to railways, roads, bridges, viaducts, canals, paving, to the size and shape of rooms, to ships, artillery, carriages, and machinery of all sorts—in short, to the various departments of engineering and architecture, the utmost uncertainty often prevails as to the future practical results, and the widest diversity of opinion exists among competent pro-

fessional men with respect to the application of the principles of their art. It likewise often happens, that works constructed under the best practical advice fail of their purpose, just as laws made by the counsel of the ablest statesmen often fail in producing their anticipated effects. In both cases, the failure is owing to an imperfect determination of the future.

§ 4 Another important class of physical sciences is that which describes the mineral structure of the earth, and the living beings upon its surface. These are geology and mineralogy, with the sciences relative to the vegetable and animal kingdoms, and to the physical nature of man.

The crust of the earth, and its component minerals, are not affected by any constantly-recurrent periodic changes, but they appear to be the result of a successive aggregation of parts, and they continue to be modified by atmospheric influences, by the action of superficial water, and by internal volcanic agency. Geology, therefore, is partly historical, and narrates successive changes in the earth's surface; and partly it describes the existing strata, their superposition, their character and component parts, and the animal and vegetable remains embedded in them. So far as the existing state of the superficial portion of the earth remains unchanged, the descriptions of geological science will continue to apply to the future. Minerals, and their respective properties (including crystallography), are subject to no variation; and the results of scientific observation, when embodied in a proper classification and nomenclature, will therefore be as true of minerals hereafter as they are at the present moment.

Geography, in like manner, is merely a descriptive science, and does not predict the future. Such predictions as appear to belong to geography relate, in fact, not to the science itself, but to our knowledge of it, and to the progress of civilized man over the surface of the earth. Such, for instance, is the celebrated passage in the tragedy of *Seneca*,(6) which has been applied to the discovery of America.

(6) 'Venient annis sæcula seris,' &c. *Med.* 575-9.
See Bacon's *Essay on Prophecies;* and A. de Humboldt, *Examen Critique de l'Histoire de la Géographie du nouveau Continent,* tom. i. p. 162-80.

§ 5 Animated nature, on account of the phenomena of reproduction, growth, and death, is subject to a series of periodic changes. Though it does not move in fixed cycles, each individual member of the great aggregate lives only for a period, and the species is renewed by the perpetual generation of new individuals.(7) Each individual is mortal, but the race never dies. In the vegetable kingdom, each individual resembles every prior and co-existing individual of the same species in its physical properties. Being destitute of sensation, and neither conscious of pain and pleasure, nor endowed with any intelligence, plants are necessarily a mere succession of identical terms in a long series. In the animal kingdom, each individual resembles every prior and co-existing individual of the same species, not only in its physical, but in its sentient and mental properties. Animals, unlike plants, are all provided with organs of sensation, more or less perfect; they are all conscious of pain and pleasure; they have all an instinctive guide of their actions; and the highest orders of mammalia possess a limited share of reason. But (with the exception of the inconsiderable alterations produced by the domesticating influence of man) the successive animals of the same species are unchanged.(8) Their faculties do not enable them to accumulate knowledge, or to profit by the experience of their predecessors. The more intelligent mammalia are docile when man is their teacher, and obedient when man is their ruler; but they can neither teach nor govern one another. Hence their nature is stationary, not progressive; they are bound, by the laws of their existence, to an unvarying condition, secure, indeed, against degeneracy, but incapable of improvement; and

(7) This idea is expressed with equal truth and dignity of language by Virgil with reference to bees, whose life, according to him, lasts only for seven years:

> 'Ergo *ipsas* quamvis *angusti terminus ævi*
> Excipiat—neque enim plus septima ducitur æstas—
> At *genus immortale manet,* multosque per annos
> Stat fortuna domus, et avi numerantur avorum.'
> *Georg.* iv. 206-9.

(8) On the unchangeability of animal species see above, ch. ii. §§ 4, 5.

one generation of animals is as like another, as one generation of plants is like another. The lion and the horse of the present day as much resemble the lion and horse of the ages of Aristotle and Pliny, as the oak or the pine of the present day resembles the oak or the pine of the same epochs. Each generation of animals differs from its predecessors, in being composed of different individuals, but resembles its predecessors in being composed of individuals whose attributes cannot be distinguished from those of any other generation. Like the planets, an animal species is always in motion, but it moves perpetually in the same orbit—'mobilitas immota manet.' It is another and the same. Its character is unchanging, though its component parts are not identical. Hence, the classifications and descriptions of Cuvier and other scientific naturalists exhaust the entire subject-matter of animal life: animals have no history for the past, and no prospect of progress for the future; and when their anatomy and physiology have been determined by accurate observation, the description will be as applicable to future, as it is to the previous and present generations of each species.

§ 6 Similar propositions apply to man, so far as he is an animal. When his anatomical structure has once been described, when the observations and researches of physiologists have ascertained the normal action of his bodily organs, and when pathology has investigated their morbid deviations from the healthy type, the scientific truths thus established have no special reference to the past, and they will retain their applicability so long as the physical nature of man is perpetuated without change through successive generations. Harvey's discovery of the circulation of the blood was not limited to the time before Charles the Second; it is as true of the present as of any other generation, and no one doubts that it will continue true hereafter. All the ascertained facts of human physiology—all accurate descriptions of the processes of sensation, motion, digestion, secretion, &c., are independent of time; and, inasmuch as they relate to a subject, which, though not identical, is perpetually renewed without variation, which is, as it were, reprinted from the same

type, re-coined from the same die, and re-cast from the same mould, they will be as true hereafter as they are at the present time.(9)

The internal functions of the human body are, during life, for the most part withdrawn from our observation, and they can only be investigated by indirect means. Even, however, when they are known, both in their healthy and morbid state, the number of possible concurring influences upon their action is so great as to render prediction obscure and uncertain. Hence, medicine and surgery are, to a great extent, merely tentative arts. The nature of the malady is often obscure, and the diagnosis uncertain; the mode of treatment is still more doubtful, and the most skilful physician will often abstain from giving a confident opinion, either upon the future course of the disease or the efficacy of his remedies. All that concerns the expectation of life is subject to great uncertainty; though, by including large numbers of persons, an average probability for every successive period of life may be calculated. Medical science has made a successful inroad into the future, and subjected a large portion of it to the control of human skill and human knowledge; but it must be confessed that much of the territory still remains inaccessible to the prescience of the physician. The power of anticipating the course of a disease in animals, and applying to it a proper curative treatment, is still more restricted than in man, inasmuch as animals are unable to describe their sensations, and to afford that assistance in exploring the nature of a morbid affection which the physician derives from a human patient.(10) Animals, however, are less liable to morbid derangement than man: in the natural and undomesticated state, their life is generally terminated either by the voracity of some other animal, or by atmospheric changes; if they escape one of these two causes of mortality, they appear to die, not by disease, but by natural decay.(11) Vegetable life is still less liable to disease

(9) Upon the extent of prediction in physiology, see Comte, *Phil. Pos.* tom. iii. p. 458.

(10) See above, ch. vi. § 5.

(11) Above, ch. ii. § 4.

than animal life; there are, indeed, blights affecting classes of plants. No botanist has ever found it necessary to treat of the pathology of plants, nor does any horticulturist practise vegetable medicine. The liability to disease, such as we see it in man, like the helplessness of the infant, implies as large an amount of reason as exists in the human race. But as both plants and animals are deficient in the mental and moral qualities which render a frequent liability to disease consistent with the continued existence of the species, their physiology is simpler than that of man, and their vital phenomena can be anticipated with greater certainty.

Although we cannot predict, with certainty, the duration of life in any given individual, yet the *average* duration of life, at different ages, is susceptible of calculation, and the limits beyond which life cannot be prolonged are fixed with certainty. Hence, we can conceive a future succession of generations of mankind, as we can predict a future succession of revolutions of a planet round the sun, or of other astronomical cycles.

§ 7 The last class of physical sciences which we have to notice are those which concern the solar system and other heavenly bodies, the variations in the state of the terrestrial atmosphere, and the periodical changes in the level of the sea. These are astronomy, meteorology, and the science denominated by Dr. Whewell tidology.(12) So far as astronomy deals with the solar system, the phenomena which it considers recur in cycles, because each planet moves in a fixed orbit round the sun. When the orbit of each planet, and its motion in that orbit, have been determined, its place at any future time can be calculated, and the periodical return of the phenomena is known beforehand, All astronomical problems which relate to the motion of any heavenly body in its orbit involve the element of time; but the

(12) Dr. Whewell certainly produces some precedents of hybrid compounds such as this; but the main objection to a scientific word, formed partly of an English and partly of a Greek word, is, that it is unintelligible to a foreigner unacquainted with our language. M. Comte has proposed the word *sociology;* but what should we say to a German writer who used the word *gesellology*, or *gesellschaftology?*

time may be future as well as past, and can be as easily calculated forwards as backwards. Inasmuch as the cycles of the heavenly bodies are assumed to be constant, and all the causes which influence their motion can be computed, every source of error or doubt is excluded, and the prediction is certain. The astronomer can calculate the precise place of the earth, or of any of the other planets, or of their attendant satellites, at any given time; he can ascertain when an eclipse will take place—how much of the luminous body will be obscured, and how long the obscuration will last. All cyclical changes in the solar system are within the grasp of the astronomer's prescience. Those all-pervading mechanical laws which govern the attraction of the heavenly bodies, and their gravitation to certain centres, (as, for example, the law, that bodies gravitate to one another with forces which vary directly as their masses, and inversely as the squares of their distances,) are constant, not recurrent in their action: their character is not cyclical; and, having been once determined, they are as applicable to the future as to the past.

The essential characteristic of astronomical data is, that they are few and simple, that they are all derived from visual observations, and that they all resolve themselves ultimately into the measurement of attractions, masses, spaces, and times. Combining these circumstances with the periodical character of astronomical phenomena, we obtain the key to the prophetic power of astronomy. Its problems being simple, admit of solution; and inasmuch as the data recur in cycles, the solutions vary according to future moments of time, and are adjusted to the chronological variation. In strictness of speech, however, scientific astronomy merely determines and describes the relations of the heavenly bodies, and the laws of their real and apparent motions, and predicts nothing. By the aid of those laws and general formulæ, the practical astronomer and almanac-maker calculates the future events of astronomy, and refers them to their computed times. Even astronomical theory, though it furnishes the groundwork for precise and remote predictions, itself makes no predictions.

It should be added, that the astronomical movements are not only constant and cyclical, and therefore susceptible of measurement by anticipation, but they are beyond the reach of our muscular or mechanical powers. The united efforts of all mankind cannot accelerate or retard the motion of their own globe, or of their own satellite, by a second of time in a thousand years. From this element of disturbance—to which small bodies on or near the surface of the earth are subject, the astronomical movements are exempt, and, hence, there is nothing to prevent the practical astronomer, armed with the principles of a matured science, from applying the rules of his art to the exact determination of the heavenly bodies at future moments of time.

Works, such as the *Nautical Almanac* and the *Connoissance des Tems*, containing specific predictions respecting abstract phenomena, are applications of the art, not of the science of astronomy. The science of astronomy lays down the laws of the solar system and the other heavenly bodies. From these laws the art of astronomy frames general formulæ, to be used in practice; and, with the help of these formulæ, the practical astronomer calculates the places of the heavenly bodies at certain times, and arranges them in a calendar which anticipates the future. Hence, the course of the planets and their satellites, which, in the words of the philosophic poet,

> Print with faint steps the viewless paths of Time,

can be tracked with unerring certainty by human prescience.

The alternation of the tides is an astronomical phenomenon, inasmuch as it is due to the attraction of the sun and moon; and being at each place constant in its sequences, it admits of being predicted empirically. But the disturbing causes which affect the course and height of the tide-wave are so numerous, that the theoretical explanation of the observed phenomena is inperfect. 'The periodic motions of the waters of the ocean,' says Mrs. Somerville, 'on the hypothesis of an ellipsoid of revolution entirely covered by the sea, are very far from according with observation. This arises from the very great irregularities

in the surface of the earth, which is but partially covered by the sea, from the variety in the depths of the ocean, the manner in which it is spread out on the earth, the position and inclination of the shores, the currents, and the resistance the waters meet with—causes which it is impossible to estimate, but which modify the oscillations of the great mass of the ocean. However, amidst all these irregularities, the ebb and flow of the sea maintain a ratio to the forces producing them sufficient to indicate their nature, and to verify the law of the attraction of the sun and moon on the sea. Thus the problem of the tides does not admit of a general solution; it is certainly necessary to analyze the general phenomena which ought to result from the attraction of the sun and moon, but these must be corrected in each particular case by local observations, modified by the extent and depth of the sea and the peculiar circumstances of the place.' (13)

Meteorology—the science of weather, and of all other atmospheric phenomena—so far as it is dependent on astronomical cycles, deals with causes which can be determined beforehand with certainty. Temperature, moisture, and other phenomena of the atmosphere, forming in the aggregate the *climate* of a place, are partly regulated by the seasons, and by the alternation of day and night, both of which are cyclical and astronomical changes. The trade winds, and the prevalence of westerly winds in northern latitudes, are dependent on an astronomical cause. (14) But besides these constant influences, there are so many causes upon which the phenomena of meteorology (such as wind, rain, snow, hail, clouds, dew, mist, aurora borealis, &c.) are dependent, and these causes, moreover, are so far removed from our powers of observation, that they defy the calculations of science. No precise scientific laws with respect to local weather have been determined, and therefore the practical meteorologist can only, from the data at his command, predict the weather within certain limits: he can only assign a maximum and a minimum to

(13) *On the Connexion of the Physical Sciences,* sect. xiv. p. 114.

(14) Herschel, *Treatise on Astronomy,* §§ 199, 200.

the variations of temperature at a given place and time, without attempting to fix the precise point. Hence, in an almanac, the great distinction between astronomical and meteorological predictions. The astronomical predictions are framed from scientific formulæ and tables, and may be relied upon as certain; whereas the predictions of the weather for certain days are the mere guesses of impostors, not founded upon any scientific basis, nor entitled to any credit; and where the prediction of a weather-prophet occasionally proves true, the coincidence is to be attributed merely to a lucky chance.

There are, indeed, certain indications afforded by the barometer and the hygrometer, by the temperature, the direction of the winds, the appearance and nature of the clouds, by fogs, dew, and other similar phenomena, which often enable a probable conjecture to be made as to the state of the weather for a few hours beforehand. Sometimes, also, the actions of animals, such as the low flight of swallows, the early return of pigeons and rooks, the appearance of snails and worms—may serve as prognostics of weather.(15) These signs, however, even when they are correctly interpreted, only point to immediately-impending phenomena: no scientific formulæ exist which enable the practical meteorologist to predict the weather a year, or a month, or even a week beforehand, except within the limits fixed by the changes of the seasons, and by such periodical phenomena as the monsoons in certain latitudes.(16)

(15) Virgil has collected many of this class of signs in a passage of the *Georgics:*

> 'Nunquam imprudentibus imber
> Obfuit: aut illum surgentem vallibus imis
> Aëriæ fugere grues; aut bucula cœlum
> Suspiciens patulis captavit naribus auras;
> Aut arguta lacus circumvolitavit hirundo,
> Et veterem in limo ranæ cecinere querelam,' &c.
>
> i. 373-6.

They are chiefly borrowed from Aratus, who enumerates a long series of prognostics.—*Phæn.* 913 *sqq.* Concerning the argument from signs, see above, ch. ix. § 14.

(16) Polybius, in describing the qualifications of a general, includes among them such an amount of practical astronomical knowledge as will enable him to determine the times of the day and night; portable clocks

We may here observe, that all the arts whose operations are liable to be disturbed by meteorological influences are infected with the uncertainty which surrounds all the prognostications of meteorology. Thus, the art of navigation is disturbed by unforeseen storms and winds; the art of agriculture, by unexpected and inopportune extremes of heat and cold, drought and moisture. The works of the engineer are liable to be undermined or destroyed by unusual storms, inundations, currents of water, &c. Even medical treatment is often deranged by casual changes of temperature; and there appear to be atmospheric influences, inappreciable by our senses and artificial instruments, which generate epidemic diseases in men and animals, and also in vegetables.

On the other hand, those meteorological changes which are closely connected with constant astronomical periods, such as the succession of the seasons, are sometimes accompanied with corresponding phenomena, which in consequence obtain a cyclical character. Hence the periodical recurrence of the growth of the leaf, and the renewal of vegetable activity in the spring; followed by the death of the leaf, and the torpor of vegetable life at the approach of winter. Hence, likewise, the reproduction of birds, reptiles, insects, &c., at stated periods of the solar year.(17)

and watches being then unknown. The phenomena which measure these times are, he says, constant: but heavy rains, floods, severe cold, snow, fogs and mists, and other similar phenomena, which greatly disturb military operations, cannot, he adds, be foreseen.—ix. 16.

(17) Thales is said to have predicted an eclipse of the sun, which was visible in Asia Minor, within the limits of a year (see Herod, i. 74, with the commentators, and the passages cited by Menage ad Diog. Laert. i. 23). But as Thales is reported to have predicted in winter the abundance of the olive crop for the following autumn, and to have made a large sum of money by speculating on his foreknowledge (Aristot. *Pol.* i. 11); and as Anaxagoras is also said to have predicted the fall of an aërolithe (Plut. *Lysand.* 12; Plin. *H. N.* ii. 59), neither of which predictions is within the reach even of modern science—the probability is, that the prediction of a solar eclipse attributed to Thales is fabulous.

Helicon, of Cyzicus, a friend of Plato, is said to have predicted an eclipse of the sun (Plut. *Dion.* 19), and Dion an eclipse of the moon (*ib.* 24). C. Sulpicius Gallus, a Roman military tribune, predicted an eclipse of the moon in the year 160 B.C. In his address to the soldiers

§ 8 We have now obtained a general idea of the extent to which the methods furnished by the several physical sciences afford the means of predicting the future, and of the differences between the powers of prediction which they respectively possess. We have seen that while astronomy can foretel with certainty the motions of the solar system, the prophetic powers of meteorology are feeble and limited, and consist principally in assigning certain limits to the possible variations of weather. We have likewise seen that, although the laws of motion, sound, and light, and of the chemical relations of bodies, are laid down in general propositions independent of time, and therefore as applicable to the future as to the past, yet these propositions merely express the tendencies of causes operating freely; and therefore, when we are unable in practice to exclude all disturbing causes, we are unable to anticipate the future with certainty. It has also appeared, that a similar distinction applies to the physical nature of man. The functions of the human body are described by the physiologist in general terms, which are as true of the future as of the past; but no medical skill can predict with accuracy the duration of life in any individual person, nor can a physician always anticipate truly the course of a disease, or the influence of his treatment upon a patient.

Science, indeed, or theory, in itself (as we have seen), is incapable of prediction. It merely co-ordinates phenomena, and lays down general laws of sequence. By the help of the laws of causation thus determined, the practitioner is able to predict the future in individual cases; and the instruments of anticipation which theory places in his hand vary in their potency, according to the nature of the subject.

Our object in making this review was, to compare the prophetic powers of the physical sciences with those of the sciences relating to man as a rational being. We therefore now proceed

before the eclipse, he is reported to have said: 'Id quia naturali ordine statis temporibus fiat, et sciri ante et prædici posse.'—Livy, xliv. 37. Some learned men, in the large towns of the East, can predict an eclipse of the sun or moon.—Niebuhr, *Description de l'Arabie*, p. 105.

to a similar examination of the latter class; and we will offer a few remarks, in reference to this point, upon the sciences of metaphysics, logic, philosophy, esthetics, and ethics, before we arrive at the science of politics, the proper subject of our inquiry.

§ 9 Metaphysical science describes the perceptive and intellectual operations of the human mind. It teaches by what means, and through what channels, our knowledge is acquired; how we represent our thoughts by language; and in what the processes of sensation, abstraction, memory, imagination, &c., consist. The researches of metaphysics aim at nothing historical, nor do they relate to anything recurrent in its nature. When, therefore, any metaphysical truth has been established, it applies as much to the future as to the past. If the origin of our visual judgments respecting distance has been correctly explained, the explanation will continue to hold good of all future time, as long as human nature remains unchanged. All propositions respecting the perceptions of our senses, the signification of general terms, and the like, are just as applicable to the future as propositions respecting the circulation of the blood, or the functions of the brain. The uncertainty of metaphysics, like the uncertainty of physiology, applies as much to the past as to the future. It is in many cases difficult to determine the operations of our minds, as it is likewise difficult to determine the vital operations of our bodily organs. But when either the one or the other has been determined, a law of our nature, mental or bodily, has been ascertained, which is as true of the future as of the past. It is not a part of the present inquiry to estimate the comparative uncertainty of physiology and metaphysics, but we may remark that, although our mental operations are invisible and intangible, they are nevertheless the subjects of consciousness, whereas our bodily functions (such, for example, as digestion, secretion, circulation, &c.) are not in general the subjects of consciousness, and are not, during life, accessible to the observation of the senses.

§ 10 The business of logic is to analyze the mental processes which are concerned in reasoning, and to found upon

this analysis precepts for the guidance of the mind in argumentative inquiries and in investigations after truth, speculative and practical. In either of its two capacities, either as describing the processes by which ratiocination is conducted, or as furnishing a practical method for the reasoner, its results are independent of time, and have no special application to the past. As a scientific analysis of our mental processes, its truths are universal—as a practical art and method, its rules are necessarily prospective, and, though founded on experience, are intended to direct the mind of the student with respect to its future movements.

Connected in some degree with logic is philology, or the science of language. Philology is principally a historical department of knowledge. It traces the origin of languages, their affinities, and their successive changes under the operation of different causes. It also lays down those empirical laws which govern the correspondence of vowel and consonant sounds, or of grammatical forms, in cognate languages, as in Sanscrit, Greek, Latin, and Gothic—in the Romance languages, or in the High and Low German. It establishes the principles by which grammar expounds the forms and syntax, and lexicography expounds the etymology and signification of words. It likewise investigates the doctrine of hermeneutics, and shows how the writings of former times are to be interpreted. From this enumeration it will be seen that philology, so far as it is descriptive and historical, has no concern with the future, and does not profess to predict. Each language is a system of conventional sounds, framed by an intelligent process, and concentrating the results of much observation and reflection. Philology undertakes to exhibit the empirical laws which have presided over the formation of this language, but it cannot fix the laws for its ulterior changes, nor can it do more than form a probable conjecture as to the course of those future changes. The rules of grammar merely express the formal and syntactical relations of words, according to the correct usage; and the dictionary assigns their significations according to the same standard. The gram-

mar and dictionary, therefore, of each language merely collect the actual results of a certain usage; but they do not lay down permanent laws of human nature, or express universal truths.

§ 11 It is only in its function of interpreter of the records of the past that philology aspires to the establishment of principles admitting of a universal application. In this department, it borders upon the province of literary criticism, and of esthetics, or the science of taste. Esthetical science investigates the causes of beauty in nature and art. It considers the principles of painting and sculpture—also of architecture, gardening, dress, &c., so far as they are decorative arts, and do not involve merely mechanical considerations. It likewise sits in judgment upon poetry, and other works of imagination. Esthetical criticism is, to a certain extent, historical, and confined to particular compositions; but its maxims are mainly founded on general principles of human nature, and are not empirical. Hence, when sound canons of taste in painting, sculpture, poetry, or other department of the fine arts, have been established, they are permanent in their application. A good model of style, either in the arts of design or in literature, remains a subject of imitation, though liable to the alternations and caprices of fashion.

§ 12 Our esthetical are closely connected with our ethical feelings, as may be observed in theatrical representations. The judgment of the audience upon a drama, considered as a work of art, is materially influenced by the extent to which their emotions have been affected. We pass, therefore, naturally to the consideration of ethics, together with those other departments of social science which are not included in politics.

Ethics, in the first place, may be limited to mere description—to a generalization of the results derived from an observation of men's moral actions. Such, for example, is a description of the moral sentiments—as anger, pity, fear, grief, indignation, and the like. There are certain emotions which are common to the whole human race, and which a similarity of circumstances tends to excite in every breast, although, in some cases, they may be repressed by a sense of duty, or other counteracting

motive, while in others they may be permitted to operate upon the will, and to lead to action. It may be true, universally, that an unmerited slight tends to produce the feeling of anger; but this feeling would, by many persons, be checked as soon as it arose, whereas others would be impelled by it to vindictive measures. Descriptive or positive ethics so far resembles metaphysics, that the one science represents the intellectual, while the other represents the moral or emotional principles of our nature. The descriptions of both, if true, are universal, and are as applicable to the future as to the past. The means by which our knowledge is acquired, and the emotions which accompany our sense of pain and pleasure, are as unchangeable in their nature as the functions of our bodily organs. The general propositions of metaphysics, positive ethics, and physiology, stand precisely on the same footing as respects their applicability to the future.

In all human affairs, however, where the will is concerned, there is an alternative of action, and an occasion for doubt as to the choice. This is the case as much with domestic and private, as with public and political life. Hence, there is an uncertainty as to the future in all that concerns moral action. Each person has a free choice of different courses at each successive step; and knowing that others are similarly situated, he is uncertain what their course will be. It is in making this choice correctly, with reference to the agent's own circumstances, and the probable conduct of others, that prudence, foresight, sagacity, or practical wisdom, consists. Much of the future is necessarily veiled from our sight, but it can be anticipated to a considerable extent; and it is by the comparative power of anticipating it, that the degrees of the qualities just named are to be measured. Of some men we say, that they are imprudent, improvident, shortsighted; that they take no thought for the morrow; that they make no provision for future contingencies. When they fall into difficulties, we apply to them the fable of the ant and the grasshopper, and we say that those who have not sown cannot expect to reap. On the other hand, we recognise success and

prosperity as being the result of foresight and thrift, and we perceive in a man's life the fruits of a provident and sagacious principle of action. When this quality is marked in a higher degree, it may be compared, metaphorically, with a spirit of divination. Hence Horace, speaking of the sententious morality of the tragic chorus, says:

> Utiliumque sagax rerum et divina futuri,
> Sortilegis non discrepuit sententia Delphis.

It is the business of the preceptive department of ethics to assist the mind in making this choice, and to furnish maxims for the guidance of moral conduct. All treatises on propriety of demeanour, upon moral duties, upon the art of life—all collections of moral maxims, proverbs, apophthegms, have this object in view.

§ 13 Having passed in review, first the physical, and next the mental sciences and ethics, with respect to their powers of prediction, we have now arrived at politics; and when we have traced the relation in which each of its branches stands to the future, it may easily be compared in this respect with the other departments of science and practice already examined. According to the division previously adopted, we will treat the subject under its four heads, of positive, historical, speculative, and practical.

Positive politics and general jurisprudence do not, as we have already seen,([18]) involve any question of time. The propositions relative to the nature of government and laws are abstract and universal; they lay down the invariable characteristics of the subject-matter, and they neither describe the past nor anticipate the future. Nevertheless, if they are properly generalized from a sufficient induction of facts, they have the truly scientific character, and are as applicable to future as to past time. For example: if it be said that a sovereign government is free from any legal restraint, or that international law is not administered by any supreme tribunal common to two states, propositions such as these are just as true of future as of past

(18) Above, ch. iii. § 3; v. § 7.

governments, since they describe a state of things which must exist, supposing the meaning of words and the nature of man to remain unchanged. Propositions such as these are analogous to the propositions of anatomy and physiology. The descriptions of the body politic have the same scientific generality as the descriptions of the body natural, and, when once ascertained by a correct induction, their truth remains unshaken. Whatever are the general properties of a former law will continue to be the properties of other laws hereafter, just as the properties of the nerves, the blood, or the muscles, in any former men, will continue to be their properties in other men hereafter.

Positive politics, therefore, like anatomy or physiology, does not, properly speaking, predict anything, though it furnishes general truths by which the determination of future facts may be facilitated. Thus, a politician, in seeking to determine the future operation of a given law, may be assisted by a knowledge of the general nature and properties of a law, just as a physician, in seeking to determine the future course of a disease in a given patient, may be assisted by a knowledge of the general nature and properties of the several organs of the human body. But neither positive politics nor physiology undertakes, in form, to predict any future event; each science generalizes the results of experience in a certain subject-matter, and if those generalizations are correct, their truth will be unimpaired by the lapse of time, so long as the structure of civil society and the structure of the human body remain in their existing form.

§ 14 While positive politics has a scientific generality, and (inasmuch as it furnishes the results of observation without reference to any determinate period of time) is as applicable to the future as to the past, political history describes the past in connexion with a fixed chronological series, and has no direct reference to anything which has not already happened.(19) It is employed exclusively in narration, and (except in reporting the words of others) uses only the preterite, never the future, tenses of the verb. Like an epic or dramatic poem, it is con-

(19) See above, ch. v. § 4.

cerned with a succession of human actions, and only differs from these in narrating real, not fictitious events.

But, as we shall see presently, political history, though it does not itself predict the future, furnishes the materials out of which political predictions are constructed. From our experience of the past we are enabled to anticipate the future, and the results of this experience are embodied in history. Positive politics, it is true, does not concern itself with history. The description of the necessary and essential properties of a state and a law does not imply a reference to any particular political events, just as the determination of the laws of equilibrium does not imply a reference to any particular set of solid or fluid bodies. But for political speculation and practice, for all anticipation of definite consequences of a given political measure, political history is an indispensable substratum—as a knowledge of the rate at which the sea had encroached upon a certain coast, or a river deposited silt in a certain estuary, would be a necessary element in predicting the future progress of these respective agencies. It is in this spirit that Thucydides writes his history: he records past events as they occur, in order that his readers may judge how future events will occur, under similar conditions of causation.(20)

§ 15 We have seen that positive politics, though expressive of general truth, does not profess to predict any future event or state of society, and that political history has for its proper object merely a registration of past events. We now come to a department of politics which is more directly concerned with the future, viz. the speculative branch. Speculative politics (as we have already explained) is occupied with the influence and operation of political institutions, and with the comparative advan-

(20) *ὅσοι δὲ βουλήσονται τῶν τε γενομένων τὸ σαφὲς σκοπεῖν καὶ τῶν μελλόντων ποτὲ αὖθις κατὰ τὸ ἀνθρώπειον τοιούτων καὶ παραπλησίων ἔσεσθαι, ὠφέλιμα κρίνειν αὐτὰ ἀρκούντως ἕξει*, i. 22. See also, ii. 48; and upon the latter passage, compare the remarks of Mr. Grote, vol. vi. p. 210. Respecting the utility of historical composition, as compared with the active life of a Roman statesman, see the remarks of Sallust, *Bell. Jug.* c. 4. The ends of history are—1, instruction; 2, delight, according to Vossius, *Ars Hist.* c. 5.

(21) Above, ch. iii. § 4; v. § 8.

tages and disadvantages of different systems of government.([21]) In judging upon these matters, it supposes a certain simple and abstract state of things, and leaves out of consideration all disturbing influences—it therefore only affirms the tendency of an institution to produce certain effects, but in its theoretic capacity does not undertake to say that the institution *will* produce those effects.

We have already shown that political theory deals only with truth; that it merely affirms certain constant or predominant relations of phenomena, and laws of causation; that it lays down no rules or maxims of conduct, and therefore that, as theory, it prescribes nothing.([22]) We will now add, that it predicts nothing absolutely: it does not declare, formally and directly, that any event will happen. Virtually, indeed, and in substance, it may be said to predict, inasmuch as it lays down certain general affirmations and laws of causation, which are as applicable to the future as to the past or the present. These propositions, like similar propositions in physics, merely assert the tendency of a cause, supposing it to operate unchecked; they are general and hypothetical—they neither refer to any single case, nor to any absolute set of data. Hence, if they are viewed in the light of predictions, they predict only in a qualified and conditional manner. They affirm only, that if all the data which they assume are present, and all disturbing forces are absent, a certain consequence will follow; but this is not a positive prediction that a certain event will happen in an actual concrete case.

For example: it may be affirmed that the tendency of severe punishments is to prevent offences; which may be regarded as a general prediction, that severe punishments will actually prevent offences. But this proposition must be understood as involving the hypothetical datum, that the punishments are regularly inflicted—it is qualified by this condition. Hence, in any case where a severe punishment is not regularly inflicted, and the crime is not repressed (on account, for instance, of its re-

(22) Above, ch. xix. § 2.

gular infliction being counteracted by the unwillingness of injured parties to prosecute, of witnesses to give evidence, and of tribunals to convict, as well as by the disposition of the government to comply with petitions for a mitigation of the sentence), the fundamental condition of the theory is not satisfied, and the dictum is inapplicable to the case. This, therefore, is not an instance of erroneous prediction—it is an erroneous application of a general theorem to a case not properly falling under it. The proposition, or prediction, is as true with reference to this case as with reference to a case in which the punishment is regularly inflicted, and the crime is in consequence repressed. In the one case, however, the data assumed by the theorem are present—in the other they are not. All such predictions in speculative politics are similar to the second law of motion, which declares that a body in motion will move for ever in a straight line, with a velocity proportioned to the force and mass. This prediction with respect to moving bodies is founded on the supposition, that the retarding influence of friction and all other physical impediment is excluded; and it would doubtless be verified, if the case supposed were to exist. The reality, however, never coincides with the hypothesis, and yet the general prediction, being not absolute but conditional, is true; and it approaches to fulfilment in any individual case, in proportion as the real approach to the hypothetical circumstances.

Writers on speculative politics do not in general set out, in terms, their hypothetical data, though these ought to be distinctly implied in their reasonings, if their scientific basis is properly laid. Sometimes, indeed, they have not themselves formed a clear conception of their own hypothesis, and of the elements of their own problem. For these reasons, it often happens that the conditional nature of the proposition is overlooked, and that it is understood to be absolute and categorical, when it is, in fact, qualified by a reservation which belongs to its very essence. Many true principles of speculative politics, which predict the operation of a given cause, have been taxed

with unsoundness, because, in a given case, the prediction was not fulfilled. But before the soundness of any such principle can be successfully impugned, it should be shown that the cause did not exert itself in the direction indicated, and that its tendency was not repressed by counteracting influences. Unless this point is established by proper evidence, nothing is proved against the soundness of the principle at issue. It would be as if a mechanical philosopher were to argue against the second law of motion, by saying that he had projected a body in a direction perpendicular to the earth's surface, and instead of moving continually upwards in a straight line, it had, after a time, fallen to the ground.

§ 16 The predictions of practical politics differ from the predictions of speculative politics in being particular, and not general. The speculative politician predicts the general tendency of all laws or institutions of a certain class—the practical politician predicts the particular tendency of this or that law or institution, or measure of a government. The former, for instance, lays it down that all treaties containing certain stipulations produce certain effects—the latter predicts that a particular treaty, actually made and concluded between two nations, will produce certain effects. These two processes are quite distinct in their character, and it is only the latter which announces absolutely beforehand the occurrence of a real event, and therefore deserves the name of a prediction. Hence it may happen, that persons who are well qualified to conduct the one are not well qualified to conduct the other. A political speculator may be unfit for practical statesmanship, and a practical statesman may be unfit for political speculation.

We have, in a former part of this treatise, examined the process by which the practical politician determines the probable future effects of a proposed law or measure of a government,[23] and we have also seen how he applies a general theorem, or maxim, to an actual case.[24] We have likewise found that

(23) Above, ch. xiii. (24) Ch. xx.

political conduct consists in a choice of alternative courses, which present themselves to the free agent.(25) Now, whenever a politician takes any practical step he makes, either avowedly or tacitly, a prediction—he forms an opinion with respect to some portion of futurity. With respect to matters simple, proximate, and dependent on the will of a few persons whom he can guide, or whose conduct can be reasonably anticipated, his prediction may be absolute: he may say, or think, that a certain event will positively happen. But with respect to matters intricate, remote, and dependent on persons many in number, and beyond his control, his prediction, like those of the speculative politician, will be qualified, though, unlike those predictions, it will be special. He does not, indeed, consider the probable operation of a principle acting *in vacuo*—he takes a measure clothed in circumstances, and anticipates its effects in the midst of those circumstances. But in proportion as those circumstances multiply, the problem becomes more complex. Elements of doubt manifest themselves in various directions. Discordant influences threaten from opposite quarters of the horizon, and disturb the vision of the political seer. Hence his prediction, though confined to an actual case, and founded on real data, will be conditional. He will, if his judgment be discreet, content himself with saying that, provided certain disturbing circumstances, which may perhaps be partly foreseen, should not occur, a certain event will happen. Such a prediction, if made with the requisite theoretical guides, after a careful investigation of the facts of the case, and with the other conditions requisite for skilful practice, is the nearest approach to rational prediction which the conditions of political practice admit. It approaches far closer to a probable anticipation of futurity than any abstract theory, founded on unreal hypotheses, which, as we have already explained, does not properly predict any event. It may, indeed, be less happy than a fortuitous conjecture, or divination, not founded on a careful or comprehensive view of facts—which attracted little notice when

(25) Ch. xxiii.

made, but when subsequently verified was rescued from oblivion. But such random shots into futurity, though they may sometimes be more lucky than those of the most skilful marksmen, may be compared with the one lucky hit of the weather-prophet, which is remembered when his thousand misses are forgotten.(26)

§ 17 In the application of physical knowledge to practice, the difficulty of prediction arises, in general, from the imperfection of the theory. For the imperfection of physical theories there are two main causes—viz., 1, the unapproachableness of the field of observation; 2, the complexity of the data. Of the first of these, meteorological science affords an instance. The agencies by which weather is determined are so remote and inaccessible to our senses, that the laws of meteorology cannot be determined with sufficient precision to furnish rules for calculating the temperature at a given spot for a future day. For the uncertainty of predictions respecting constructive works, the complexity of the data is the principal cause. The uncertainty of medical predictions arises from both causes combined: the mechanism of the human body is in the highest degree complex, and its internal vital operations are, to a great extent, withdrawn from the observation of our senses.

The prediction of Darwin respecting the application of steam to navigation, and to locomotion by land, may be considered as a happy anticipation of the future, founded on philosophical data. His prediction respecting the application of steam to motion through the atmosphere is probably not destined to receive a similar fulfilment.(27)

(26) See *Nov. Org.* i. 46, on the fallacy of attending to the hits and overlooking the misses.

(27) 'Soon shall thy arm, unconquered steam, afar
Drag the slow barge, or drive the rapid car;
Or on wide-waving wings expanded bear
The flying chariot through the fields of air.'
Darwin's *Economy of Vegetation*, canto i.

'There is reason to believe it may in time be applied to the rowing of barges, and the moving of carriages along the road. As the specific levity of air is too great for the support of great burthens by balloons, there seems no probable method of flying conveniently but by the power of steam, or some other explosive material, which another half-century may probably discover.'—Note on v. 254.

In practical politics, the difficulty of prediction arises not at all from the inaccessibility of the field of observation—the whole of which, as we have already seen, is within the compass of our senses and experience—but it proceeds partly from the imperfection of theory, and partly from the complexity of the data which it is necessary, in every practical problem, to take into account. In addition to these, however, there is a cause of uncertainty more powerful than either, viz. the peculiar nature of the human will, which is so large an element in political affairs.

In judging of the probable operation of a political measure, the practical politician is, or ought to be, materially assisted by theory. For instance, let the measure of which the effects are to be predicted be one affecting the currency or trade of the country, or the numbers of its population. Upon each of these subjects, the practical man would be naturally provided with the principles which have been more or less established by scientific reasoning. Wherever the political theory is imperfect, either from incompleteness, or from admixture of error, all prediction in which such theory bears a part is likely to be defective.

The complexity of the data is, again, a source of uncertainty in the predictions of practical politics. Even where all the elements of a judgment are ascertained, and lie before us, it is not easy to calculate what will be their combined result when they are set in motion, and begin to act upon one another. In this respect, a new law is analogous to a new machine. All the component parts of a new machine are given, and it is known to what purposes it will be applied, yet a practical experiment is necessary in order to reduce to certainty the preliminary conjectures formed by the mechanist with respect to its probable working. In like manner, however carefully a law may be framed for accomplishing its object, yet its authors can never be confident of its success until it has been tried in practice, so complex are the data which a judgment upon almost every law involves.

There is, however, an element of uncertainty in politics which is not shared by physics, which is beyond the imperfection of

theory and the complexity of practical data—the important element which we have already adverted to, viz. the human will. The human will is not, like inorganic matter, governed by mechanical or chemical laws. Though it is steered by pleasure and pain, yet the objects in which different men find pleasure or pain differ widely from one another. Its motives, though they can be reduced to a philosophic system, and anticipated practically within certain limits—though they are not merely capricious and accidental, but follow definite trains of association and laws of sequence in each individual, are nevertheless almost infinitely various. Hence all subjects of practice, whether in ethics or politics, or in other branches of social science which involve the decisions of human volition, have a peculiar element of uncertainty.

The human will, considered with reference to politics, may be acted on by either physical or moral agents. Thus, the conduct of men in a political capacity may be influenced by a pestilential disease or a deficient harvest, which are physical causes—or it may be influenced by the actions of other men. It is in the latter case, viz. when one mind operates upon another mind, that the uncertainty is at its height. The influence of the cause is uncertain; the nature of the effect is uncertain; so that, taking the two together, the combined uncertainty is increased at a compound ratio. Thus, where a person is selected to fill a public office, it is in the first place uncertain in what manner he will discharge the functions of it; and, next, it is uncertain what effect his conduct, even supposing it to be such as is anticipated, may produce on the minds of the persons with whom he is brought into official relations. The most exercised judgments often fail in estimating the fitness of a man for the discharge of new duties, though these duties are similar in kind to those which he has been accustomed to perform, and only differ from them in being greater in degree—

> Tel brille au second rang qui s'éclipse au premier.

Some men are overwhelmed by the responsibilities of high station, who had performed with punctuality and discretion all the duties of a subordinate post. While others are comparatively supine in

secondary positions, and only are stimulated to a full exercise of their energies and capabilities by the difficulties of command. It is in the mutual action of mind upon mind, which is produced by entrusting a person with the exercise of political power, that we may perceive one main element of the uncertainty of political prediction. Even if we confine ourselves to a single known individual, we still find ourselves destitute of any method of excluding doubt as to the future. So much is contained in that microcosm, the human mind, that it is unsafe to predict how any man will act in a given political contingency. It is still more difficult to anticipate what impression his conduct will make upon a council of ministers, upon a popular deliberative assembly, upon a political party, upon a certain interest, or class, or section of the community, upon the people at large. Yet these are among the every-day problems of practical politics, and they are often combined with problems, in which the difficulty of prediction is further increased by imperfection of theory and multiplicity of data.

§ 18 Our prescience of the political future is exclusively derived from our experience of the past.(28) The results of that experience are recorded in history for the instruction of posterity;

(28) The ancients attributed to their seers a view of the past as well as of the future. Thus, Homer says of Calchas—

ὃς ᾔδη τά τ' ἐόντα, τά τ' ἐσσόμενα, πρό τ' ἐόντα—(*Iliad*, i. 70,)

which Virgil applies to Nereus:

——— 'Novit namque omnia vates,
Quæ sint, quæ fuerint, quæ mox ventura trahantur.'
Georg. iv. 392.

'E' si conosce facilmente per chi considera le cose presenti e l'antiche, come in tutte le città e in tutti i popoli sono quelli medesimi desideri e quelli medesimi umori, e come vi furono sempre; in modo che egli è facil cosa, a chi esamina con diligenza le cose passate, prevedere in ogni repubblica le future, e farvi quelli rimedi che dagli antichi sono stati usati, pensarne de' nuovi, per la similitudine degli accidenti.'—Machiavel, *Disc.* i. 39. A similar remark is made by Paruta: 'A conoscere delle cose ancora non fatte la verità, quale potesse essere il loro successo, niuna via abbiamo più sicura, che quella delle cose già fatte, le quali per certa congettura ci guidano poi a penetrare a ciò, che seguire ne fosse potuto dell' altre, quando venuto si fosse all' atto d'esse.'—*Disc.* i. 2.

'On a dit que le temps présent est gros de l'avenir; on aurait pu remarquer auparavant qu'il est l'enfant du passé.'—Say, *Cours d'Economie Politique*, tom. vi. p. 351. Compare above, p. 39, n. 36.

Concerning the nature and limits of political prediction, see Comte, *Cours de Phil. Pos.* tom. iv. p. 458-61, 527; Zachariä, *Vom Staate*, vol. ii. p. 235.

and by the light of that experience we guide our practical judgment. Sometimes the politician reasons directly from one analogous case to another: and he then proceeds empirically, or instinctively, as it is termed; in others, he anticipates the future by maxims which have been previously derived by reasoning from the results of experience.(29)

But notwithstanding all the light which can be derived from history, from theoretical inquiries founded upon history, and from a knowledge of the national character of the people, as well as of the characters of the heads of the state and leaders of parties, yet, when any new political measure is proposed, wide differences of opinion with respect to it often arise, even among the most competent judges. Consultation in a deliberative assembly, and other modes of discussion, afford the best means of approximating to a correct anticipation of the probable consequence of the measure in debate. By comparing different views and different conjectures, and by subjecting their respective reasons to analysis, much error is eliminated, and the ground is laid for a rational estimate of the most probable event.

By these means, the anticipations of the practical politician proceed to a very considerable extent on a secure foundation, and (making certain allowances for extraordinary occurrences) are in general verified by the event. If we take the annual laws and measures of a government, we shall find that a large number of them produce the effects which they were intended to produce, and that their operation has been in accordance with the expectations of their authors and promoters. A similar remark applies to those influences which do not, like its laws and administrative measures, originate with a government, but affect it from without, and induce it to resort to active proceedings. Such are invasions or hostile attacks from a foreign power, scarcities of food, pestilences, commercial convulsions, and internal disturbances or insurrections.(30)

(29) ἐὰν τὰ παρεληλυθότα μνημονεύῃς, ἄμεινον περὶ τῶν μελλόντων βουλεύσει.—Isocrat. *ad Nicocl.* § 48.

(30) Compare the remarks in ch. xii. on the foreseen and unforeseen effects of laws.

With respect, however, to political prescience, and the verification of political predictions, it is to be observed that the *length of time* by which the anticipation precedes the event is a material consideration. Nearly all 'coming events cast their shadows before;' but those shadows can be discerned by some long before they are visible to others. The extremity of the shadow is faintly marked, and its first appearance is detected by few. After a time, the indications are stronger, and the reflected outline of the coming object can be distinctly made out, even by an ordinary eye. Great political events, such as a hostile invasion, an insurrectionary movement, a scarcity of food, or a commercial crisis, can in general be predicted when they are imminent; but he is most entitled to the praise of sagacity who foresaw the coming event from afar, and gave timely warning of its approach. Such warnings must, however, be founded on rational *indicia*, and be derived from symptoms which possess a significance resting upon experience—for otherwise, they are not deserving of attention, and though the conjecture of the political prophet may be a lucky one, yet he will meet the fate of Cassandra, and find that his predictions, however true, are disregarded.

The ordinary experience of every civilized government proves that the immediate future can be to a great extent anticipated in politics. Impending calamities and disasters are guarded against, so far as the resources of the country and its legislative and administrative ability will permit; and the proximate consequences of the existing laws are foreseen with tolerable accuracy, whatever may be the soundness of the principles which are applied to their appreciation. Looking to immediate, and not remote results, the policy of each government is in general attended with the results which it contemplated. Nevertheless, this statement is subject to considerable deductions, even if we confine our view to a narrow horizon of futurity; and if, in making this comparison, we include a more distant range, we shall find (as was shown in a former chapter)(31) that every important law, and every poli-

(31) Above, ch. xii. § 10.

tical change is followed by a train, sometimes a long train, of unforeseen consequences. It is indeed well if the blindness to coming political events is limited to the distant future, and does not extend to the time immediately succeeding the present; for the most sagacious judges, with the best means of information, have been mistaken as to important political events which were on the point of taking place. The course of the English civil war was certainly not anticipated, either by the king or by the leaders of the Long Parliament, when they appealed to arms; but when the king had been dethroned, the restoration of his successor was not anticipated.(32) The French revolution of 1789 was unquestionably a great and universal surprise, not only to France, but to the rest of Europe, inasmuch as the old French monarchy was believed to rest on an immovable basis.(33) England has been repeatedly declared, by calm observers of politics, to be on the brink of ruin. Filangieri made that prediction in the middle of the last century, and it has since been renewed from time to time.(34)

A more remarkable example of erroneous political prognostication can scarcely be found than the views of Mr. Pitt and his cabinet, in 1792, with respect to the probable duration of peace between England and France. The king's speech of 31st January, 1792, held out to the country the prospect of continued peace, and expressed an opinion that some immediate reduction might

(32) Antony Wood, as quoted by Toland, *Life of Harrington*, prefixed to his works, p. xxix., says, in reference to the commonwealth, that, 'as to human foresight, there was no possibility of the king's return.'

(33) The supposed predictions of the French revolution by Rousseau and Voltaire are shown to be mere vague conjectures by Granier de Cassagnac, *Hist. des Causes de la Rév. Fr.* tom. ii. p. 326-7. In tom. i. p. 24, he says, that the French revolution was 'une immense et universelle surprise.' See above, p. 55, n. 101.

(34) 'Cet empire est aujourd'hui sur le bord de sa ruine, et sa décadence a sa source dans les erreurs de ses lois.'—Filangieri, *Science de la Législation*, liv. i. c. 3, trad. Franç. One of the chief legislative errors of England, according to Filangieri, is, that by permitting emigration to her colonies, she has drained the mother-country of its inhabitants, and diminished population. See the remarks of Benj. Constant on this passage, (*Commentaire sur l'Ouvrage de Filangieri, ib.* tom. iii. p. 235,) who himself ends by predicting the speedy occurrence of a revolution in England.

safely be made in our naval and military establishments. Even when that long and sanguinary war had commenced, Mr. Pitt expected that it would come to a speedy termination.(35)

It would be an unprofitable task to recount the erroneous vaticinations of minor political prophets, which abound in every page of past discussions, in the parliamentary debates, the pamphlets, and newspapers of former years. It is indeed notorious that no amount of experience, knowledge, and sagacity can preserve a man from serious error in predicting the course of political events, and the effects of political measures: though a person so endowed will doubtless in general approximate more closely to the truth, and prove a safer guide, than a person of inferior qualifications in this respect.(36) Without going the length of saying, with Voltaire, that every person who attempts to predict the future is an impostor or a madman,(37) we may yet perceive that the office of political prediction, when it relates to large bodies of men and extensive measures, must be exercised with great circumspection, and is often attended with failure, when every legitimate precaution for its success has been used.

The falsification of political prophecies may be particularly discerned with respect to the effects of *new causes*, in which there can be no extant experience of a similar nature, to serve as a guide. Such, for example, was the introduction of railways; in estimating the probable consequences of which the greatest practical errors were committed. Most of the political effects of the inventions of gunpowder and printing were in like manner unforeseen by the contemporary generations.

(35) See Canning's *Speeches*, vol. v. p. 123.

(36) 'It affords a violent prejudice against almost every science, that no prudent man, however sure of his principles, dares prophesy concerning any event, or foretel the remote consequences of things. A physician will not venture to pronounce concerning the condition of his patient a fortnight or a month after; and still less dares a politician foretel the situation of public affairs a few years hence.'—Hume's *Essays*, part i. essay 7.

(37) 'La saine raison nous apprend que quiconque prédit l'avenir est un fourbe ou un insensé.'—Voltaire, *Essai sur les Mœurs*, ch. 46.

Euthyphron, in the Platonic dialogue, informs Socrates, that whenever he says anything in the ecclesia on divine matters, in order to predict future events, they laugh at him as if he were out of his senses.—Plat. *Euthyph.* § 2.

The obscurity of the political future, and the difficulty of determining with accuracy the course of coming events, ought to serve as a warning against the unfairness which is often shown in criticizing political measures with the light of the past. In order to make a fair criticism, we ought to place ourselves in the position of the agent, and to consider how we should have acted with his information. For example, when a person has died of an obscure malady, a post mortem examination may disclose the hidden cause of the disease; but it would be unreasonable to blame the physician for not discovering its true nature, unless there were during life symptoms which indicated its character. Many things, quite clear in the retrospect, are very obscure in the prospect. Many precautions may have been wisely taken, though the danger against which they were intended to guard did not, in fact, occur.(38)

It may be stated, in general terms, that those political events which the historian and the newsman record are such as do not admit of any certain prediction; and that so far as they were foreseen, they were foreseen in a vague, indistinct, or uncertain manner—rather as the shadows of events than as the events themselves, and at no long time before their occurrence. The newspaper editor collects the events as soon as they occur, and gives the public immediate notice of them in his detailed but perishable chronicle, intended merely for contemporary use. The historian aims at a more enduring work; he frames a connected narrative of the events, for the benefit of posterity.

As it is the province of the journalist to supply his readers with intelligence concerning those passing events which could not have been anticipated—so it is the province of the historian to narrate those events whose occurrence was uncertain, and

(38) 'Do not accustom yourself to judge by consequences. Bad play sometimes succeeds when good would not. When you see an acknowledged judge of the game play in a manner you do not comprehend, get him to explain his reasons, and, while on your memory, place the same cards before you; when once you can comprehend the case, you will be able to adapt it to similar situations.'—Mathews *on Whist*, p. 8; ed. Bohn.

could not be predetermined by any sure prediction. Hence, when we wish to disparage any historical account, or to describe it as useless, we compare it with an old almanac. Now, an almanac contains merely predictions of those astronomical and other events connected with the measurement of time, which can be predicted with certainty—and hence to say that a history is like an almanac, is to say that it contains no information about those events lying more or less beyond the limits of our powers of prediction, which it is the peculiar business of the historian to record.

§ 19 Uncertainty as to the future is common with politics to all the sciences which are concerned with human action and opinion. Thus it extends to conduct in private not less than in public life. In the government of a household, in the training of children, in the choice of a profession or employment, in the selection of friends, in the several domestic relations, in the management and settlement of property, in buying and selling, we are beset by the same difficulty of judgment as to the future. Education, likewise, may be reduced to a system; general maxims may be laid down as to the best mode of conveying literary and scientific instruction, and of implanting good moral principles in the youthful mind; but, as in politics, the practical effects of a system of education can never be rendered certain, or be made the subjects of a sure prediction. Again, the art of war can lay down certain rules with respect to the mode of disposing an army, of conducting a campaign, of attack and defence, and the like; but the event of an expedition, a siege, or a battle, is often as uncertain, and difficult of prediction, as the consequences of a law. In the department of literature and the fine arts, it is equally difficult to anticipate the results of any new production, and the reception which it will meet with from the public: the most experienced judges not unfrequently are mistaken as to the probable success of a new poem, or play, or painting.

Thus we see that the difficulty of prognosticating the future, though it extends only to certain departments of physics, is common to all the branches of human conduct, and the active

business of life. Other indications of this all-pervading uncertainty may be found in some of our modes of dealing with the future.

For example—those future events about which we take an interest, which we can foresee within certain limits of error, but which we cannot predict absolutely, may become the subjects of *betting*.

There may be bets on events of mere chance, such as throwing dice or drawing lots; or on events of mixed skill and chance, as whist or billiards; or on games wholly dependent on skill, as cricket or chess, on races of horses, trials of comparative swiftness of sailing vessels, and other competitions of skill, speed, and strength. Bets may also be made as to other future events, which cannot be predicted with certainty—thus the duration of a ministry, the issue of a battle or campaign, the decision of a court of justice, may be the subject of a bet—because all these events depend on circumstances which are uncertain, and as to the estimate of which differences of opinion may reasonably exist. But no one would bet about an eclipse, or the time of the sun's rising, or any future astronomical event which admits of being predicted with certainty. In such cases as those just mentioned, two persons form different opinions as to the occurrence of a future event, dependent either wholly or partially upon probabilities which human reason can estimate, and each supports his opinion by a wager—by staking a sum of money upon its turning out a true prophecy. Where many persons exercise their judgment in calculating these probabilities, the agreement of competent judges may form a sort of market value for bets upon the occurrence of future events. This is the case with betting for the more important races on the English turf. The probabilities of winning or losing for each horse are determined by the bets of the best judges, and a fixed value for each probability, fluctuating from time to time, is thus established.

The prices of all vendible commodities, of land, of the public funds, and of other securities for money, are determined by a process not altogether dissimilar. These prices, no doubt, depend

proximately upon the ratio of the demand to the supply, but this ratio is in great measure regulated by the calculations, both of buyers and sellers, with respect to the probable value of the article at a future, though not very distant time. If it is generally thought in the market that any cause is about to occur which will diminish the value of the article, the anticipation of that event will depress the price, by inducing sellers to come forward, and purchasers to hold back. If, on the other hand, it is generally thought that some cause is about to occur which will increase the value of the article, the anticipation of that event will raise the price by inducing purchasers to come forward, and sellers to hold back. Prices, therefore, are principally regulated by a prospective conjecture as to the coming state of the market, and not merely by the ratio of the actual supply to the actual demand.

Time bargains in the funds are in the nature of wagers between a holder and a purchaser of stock as to its price on a future day. If any person could predict with certainty the prices of securities or merchandize on a future day, he would be able to speculate with certainty of gain; but if that knowledge were accessible to all, he would stand in the same relative position to the rest of the world as at present.

The fluctuations in the prices of the government securities of a nation will further illustrate the above remarks. Inasmuch as the value of this class of securities is mainly determined by the solidity of the government, and its probable solvency, political events exercise a perpetual and decisive influence upon their market price. They fluctuate according to the probability of peace or war, of internal order or disturbance, of the productiveness or unproductiveness of taxation, and of a disposition in the government to preserve the public faith. Hence the public funds are popularly called the *national barometer*, because, by their fluctuations up and down a graduated scale of values, they indicate, at each successive moment, the sincere opinion of competent judges respecting the immediate prospects of the country.

§ 20 We have now examined the several branches of poli-

tics in respect of their powers of prediction, and have indicated how they may be compared, in this respect, with the physical sciences, and also with the other sciences relating to man. It has been shown that two branches of politics have not, in form, any reference to the future. Positive politics describes the constitution of a government, and the nature of its acts, but in terms which suit all governments, and which therefore are as applicable to the future as to the past and the present. It does not profess to predict any particular event; but its generalizations of fact, if correctly deduced from universal experience, must retain their truth, notwithstanding the flux of time, like the generalizations of physical science. Political history, on the other hand, deals exclusively with singulars,—it narrates past events in all their individuality, with their circumstances of agent, time, and place. It aims only at exhibiting a register of the past—at passing before our eyes a moveable picture, in which a continuous series of real actions is represented. In its character of history, therefore, it predicts nothing. But a record of the political past is not, like an epic poem or a tragedy, intended merely for delight: it is written for the instruction of posterity; and it serves indirectly, by the lessons which it conveys, to guide the course of the practical politician. In politics —as in other departments of knowledge—it is only by consulting experience that we can predict the future; and it is in historical records that the results of political experience are accumulated. History, therefore, though it does not itself predict, furnishes the materials out of which political predictions are constructed.

The business of constructing these predictions is performed by the other two divisions of politics—the speculative and practical. Prediction, as we have already seen, is in strictness confined to singulars. Theory lays down general propositions with respect to the sequence of phenomena, but predicts no specific event. The prediction is properly a judgment formed by the practitioner in an individual case. Speculative politics, therefore, does not properly predict. It traces the operation of causes,

and their tendency to produce certain effects; but these causes are viewed abstractedly, and conceived as acting *in vacuo;* and it is not predicted that any event will ever actually happen. Yet speculative politics lays down principles which carry on the mind to the future, and which indicate the probable sequence of certain effects from a certain cause, though the anticipation is couched in general terms, and requires various corrections and adaptations when it comes to be applied to the circumstances of any actual case. This last operation is the peculiar and appropriate department of practical politics. The practical politician is concerned with prediction in the strict sense of the word. It is his office to predict real events. He anticipates the operation of a given law or act of the government; he has to foresee particular contingencies and combinations of circumstances, and to provide for them by proper precautions and arrangements; he has to divine the true but unavowed intentions of foreign states, and to conjecture the probable destination of preparations or measures in progress. In making these anticipations, he must apply, either consciously or unconsciously, some general maxim or principle deduced from experience; and such maxims he borrows from the speculative politician. He uses this general principle respecting the tendency of a cause as an instrument to assist his judgment in a particular case, and having made certain allowances for additional circumstances—which are present in the reality, but of which the theory takes no notice—he proceeds to draw his inference as to the probable event. In this process, if it be properly carried on, he in general either hits the mark, or approximates closely to it, for a period of time immediately succeeding that in which he casts his horoscope. But the operation of causes arising out of the uncertain nature of the human will, and the multiplicity of human motives, sometimes disturbs calculations almost as soon as they have been made; nor can any human prescience dive deep into futurity, or predict the course of political events at a period remote from the time actually present.

Chapter XXV.

ON THE FALLIBILITY OF POLITICAL PRACTICE, AND ITS CAUSES.

§ 1 WE have now investigated the application of political theory to practice, and the nature of political conduct: we have also examined how far the political future can be anticipated by safe prognostications. In the course of this inquiry, we have had frequent occasion to advert to the causes which render political practice fallible—which prevent the statesman from attaining his end, or deter him from pursuing a right and discreet course. It will, however, be necessary to discuss this subject in greater detail, and to classify the various causes which contribute to the fallibility of political practice; for it is only by a knowledge of these causes that the errors with which it is beset can be avoided.

When a person, in political practice, acts upon argumentative grounds, distinctly conceived and understood, his reasoning must substantially resolve itself into such a practical syllogism as was explained in a former chapter.(1) He has before his mind a general maxim or rule of conduct, together with a statement of the case, or circumstances, to which he applies the maxim; and from the combination of these he educes his practical conclusion. Now this process—simple as are the logical elements into which it may be resolved—is liable to be misconducted in a great variety of ways, all leading to practical error.

§ 2 In the first place, the general maxim or rule upon which the entire argument rests may be unsound. The maxim may be either formed by the conversion of a false theory into a precept, or it may consist in the recommendation of a bad ideal model. There is not in politics, as in astronomy and some of

(1) Ch. xx. § 2.

the physical sciences, a general agreement even among competent judges, and still less in the public at large, with respect to the truth of any political theory, and therefore it is impossible to select examples of erroneous practical arguments, arising from false theories, which all the world will admit to be fairly chosen. The following laws and institutions will, however, be probably considered by most readers as dictated by unsound practical arguments, whose unsoundness is owing to this cause.

1. The prohibition of the use of written laws, said to have been established in Sparta by Lycurgus: involving the theory, that written laws are detrimental to a state, and that oral tradition is the best form for the promulgation and preservation of its laws.(2)

2. The institutions of Sparta, intended to discipline the citizens to the life of a soldier, and to fit them exclusively for military purposes: involving the theory, that the successful conduct of war is the main end of a state.(3)

3. The non-admission of foreigners as residents in a state, as well as a prohibition of foreign travel to the natives: involving the theory, that each independent state ought to be isolated as much as possible, and cut off from direct intercourse with the rest of the world.

4. The institution of slavery: involving the theory, that, on the whole, it promotes the welfare of the community, by encouraging, cheapening, facilitating, and organizing labour.

5. The institution of polygamy: involving the theory, that this constitution of the family is preferable to that which results from monogamy.

6. The institution of castes: involving the theory, that the system of hereditary trades and occupations is beneficial to the state.

(2) Plutarch, *Lycurg.* 13.

(3) Aristot. *Pol.* vii. 14. In ii. 9, he repeats, with approbation, the remark of Plato in the *Laws* (*qu.* iv. p. 705), that the laws of Sparta look only to one species of virtue, viz. military valour.

Aristotle remarks (vii. 2), that the end of legislation in many states is to make the people warlike; and he particularly instances the laws and public education of Lacedæmon and Crete as being framed with this object. See Plutarch, *Comp. Lyc. et Num.* c. 2.

7. The use of torture, as a means of extracting confessions from accused persons and evidence from witnesses in criminal proceedings: involving the theory, that the assistance which it affords to the administration of justice outweighs the cruelty of the infliction.

8. A censorship of the press: involving the theory, that the government is competent to discriminate between those facts and arguments which ought to be communicated to the public and those which ought not.

9. A prohibition of public meetings and voluntary associations: involving the theory, that all such common expressions of opinion and combined efforts on the part of the people are mischievous, without the previous permission of the government.

10. A prohibition of the public exercise of any religion not held by the state to be true, accompanied by the denunciation of punishment to the professors of it: involving the theory, that the propagation of religious truth by coercive means is incumbent upon the state.

11. The fixation of a maximum rate of prices for commodities in general: involving the theory, that it is in the power of the government to regulate prices, and that the exercise of that power is beneficial.

12. The establishment of government granaries: involving the theory, that such a provision tends to keep down prices in time of scarcity more effectually than the measures of private traders.

13. The enactment of sumptuary laws: involving the theory, that the expensive tastes of private individuals ought to be restrained by legislative penalties, and that luxury is mischievous to the state.(4)

(4) 'Pour le dedans de la ville, Mentor visita tous les magasins, toutes les boutiques d'artisans, et toutes les places publiques. Il défendit toutes les marchandises de pays étrangers qui pouvaient introduire le luxe et la mollesse. Il régla les habits, la nourriture, les meubles; la grandeur et l'ornement des maisons, pour toutes les conditions differentes. Il bannit tous les ornements d'or et d'argent; et il dit à Idoménée: je ne connais qu'un seul moyen pour rendre votre peuple modeste dans sa dépense, c'est que vous lui en donniez vous-même l'exemple.'—*Télémaque*, liv. x.; and see, on the evils of luxury, liv. xvii. On luxury, see Filangieri, *Scienza della Legislazione*, lib. ii. c. 37, 38.

14. The discouragement of manufacturing industry: involving the theory, that manufactures minister to luxury.(5)

15. The discouragement of foreign trade and of the use of money: involving the theory, that trade and money (particularly paper money) corrupt the morals of the people.(6)

16. The encouragement of population, by premiums on marriage, rewards for large families, and the like: involving the theory, that in a country where the entire population is free, the public welfare is promoted by the greatest possible increase of population.(7)

17. The discouragement of foreign imports for the encouragement of domestic production: involving the theory, that the voluntary operations of trade may, on the whole, be prejudicial to the country.

Now, in cases such as those which we have adduced, a false theory of politics is converted into a practical maxim of conduct, and this maxim, when applied to a particular country, or to a particular set of facts, generates a law, or institution, which, being ultimately founded on a false theory, is erroneous, and mischievous in its consequences. Sometimes this maxim is founded upon a sophistical theory—sometimes it is a traditionary precept, imperfectly abstracted from experience, and not forming part of any speculative system of doctrine. But whether the maxim be derived from the generalizations of an avowed theorist and philosopher, or whether it be an apophthegm, or dictum, floating about in a detached and isolated form, and confirmed by long acquiescence, the error of the practical argument, and con-

(5) See *Télémaque*, liv. vii., where the inhabitants of the happy Bætica are described as detesting the arts of the Greeks and Egyptians, because they are inventions of vanity and effeminacy, and sources of corruption.

(6) Plato reprobates foreign trade and the use of money on moral grounds.—*De Leg.* iv. p. 705. He only permits the use of money for certain purposes in his imaginary states.—*Leg.* v. 12, p. 742; *Rep.* iii. 22, p. 416. The people of Bætica have no foreign trade and no money.—*Télémaque*, liv. vii. The Utopians, likewise, never use money in their own island.—lib. ii. The evils of money, supposed to have been invented by Erichthon, king of Attica, are enumerated in *Télémaque*, liv. xiv.

(7) See *Télémaque*, liv. xvii.

sequently of the practical step to which it leads, is owing to the unsoundness of this maxim.

It is to this head that all imitations of a bad ideal model belong. Thus, if the maxim be, that whenever there is to be legislation on rights of property, or trade, or marriage, the arrangements of the ideal state of nature, or of the Platonic commonwealth, or of Sir T. More's Utopia, are to be followed, then, upon the occurrence of any of the circumstances contemplated, the practical conclusion suggested by the major premise is drawn, and a copy of the ideal model is established.

At other times, impolitic acts in the administration of a government, not amounting to laws or permanent institutions, are suggested by false maxims of political conduct. Thus, the disastrous invasion of Greece by Darius, and afterwards by Xerxes (prompted originally by a desire of punishing the affront offered by some of the Greeks to the majesty of the Persian empire), was founded chiefly on the belief, that the vast numbers of an Oriental army would be irresistible. The refusal of Nicias to allow the Athenian fleet to escape from Syracuse when the moon was eclipsed (which was the main cause of its destruction by the enemy), was owing to a traditional maxim, that eclipses had a political meaning. The resistance of Charles I. to the demands of his parliament was founded, in great measure, on the simple monarchical theory of the British constitution, which had become inapplicable to his time. The attempt of James II. to use the influence of government for the legal establishment of catholicism was prompted by the maxim, that catholic princes were bound to use all means in their power for advancing their own faith. The maintenance of the rights of the mother-country over the American colonies of England, which led to the war of independence, originated in the old maxims of colonial policy and government, which the growing importance of those colonies rendered untenable. The establishment of the continental system by Napoleon was dictated by false theories of political economy; and the issue of the ordinances of Charles X. (which produced the revolution of July, 1830) was suggested by maxims of govern-

ment which belonged to the French monarchy as it existed before 1789.

Although the logical nature of the error is the same, an important practical distinction exists between defective laws and institutions, and such erroneous measures as those which have been last mentioned. The former, being more or less permanent in their character, admit of a *locus pœnitentiæ;* their operation can be compared with the expectations formed respecting them, and the soundness of the theory upon which they were founded can be tested by the results of experience. If, therefore, they are persisted in, their maintenance indicates a deliberate adherence to the practical maxim of conduct which dictates their original establishment; for if experience is believed to prove their inexpediency, they can be repealed. On the other hand, such false steps as we have been last considering cannot be retrieved. An imprudent war leads to consequences which must be borne, and cannot be cured; a violent measure of a weak government, provoking its subjects to successful resistance, cannot be recalled and atoned for. Such false moves in the game of politics, when once advantage has been taken of them by the antagonist, cannot be revoked. When Napoleon was at Moscow, he could not cancel the effects of that ruinous expedition, as he could repeal or modify a law relative to military conscription in France. On the other hand, it is to be borne in mind (as we shall have occasion to remark lower down) that errors consisting in a single irrevocable step—such as a campaign, a battle, a measure provoking a rebellion—are in general mixed in their character, and consist partly in the adoption of a false maxim of conduct, partly in a misconception as to the facts of the case. Thus, when Xerxes invaded Greece, he was in a great measure influenced by the doctrine of his court and family, that a vast Persian armament was irresistible; but, besides this, he was imperfectly informed as to the Greek character, and was not aware either of the patriotism, courage, or military skill of the little communities whom he intended to sweep away.

It should be added that, although the single acts of a govern-

ment may indicate a decided preference for a certain rule of policy, the continued maintenance of laws founded upon it imply a more deliberate conviction of its soundness. Thus, the massacre of St. Bartholomew proves the fanatical preference of the French court for a persecuting religious policy; but the perseverance of the Irish parliament in maintaining the penal acts against the Roman-catholics, passed by them in the reigns of King William and Queen Anne, until the reign of George III., proves that this policy was upheld upon system by a succession of administrations and parliaments, and not enforced by a momentary impulse of fanatical antipathy, or by the casual severity of a few persons.

Systematic and deliberate deceit on the part of a government —such a policy as has acquired the name of Machiavelian— must be considered as erroneous practice, founded on a false maxim of conduct. If, for example, any government adopts the principles laid down by Machiavel in the *Prince* as the practical rules for its guidance—such as, that it is dangerous in a ruler to keep faith; that he ought to be merciful, humane, religious, and upright in appearance, but not in reality,(8) its conduct will be not only dishonest, but also impolitic; it will discover before long, that in affairs of state, as in ethics, honesty is the best policy.

Reliance upon the arts of divination in political matters likewise falls under this head. The prediction of the soothsayer furnishes the principle which governs the decision in the individual case, and is equivalent to a false theoretical maxim, which professes to rest on merely human grounds. In ancient times, the affairs of nations were, to a great extent, guided or influenced by portents, oracles, predictions, prodigies, auguries, auspices, Sibylline lots, and the like. Divination was, in the Roman commonwealth, incorporated with the national religion, and made an affair of state: since the revival of literature and science in Europe, kings and generals consulted astrologers. All super-

(8) *Principe*, c. 18.

stitious beliefs which influence large bodies of men may become the origin of practical maxims in politics.

§ 3 The next cause of erroneous political practice which we have to consider, is when the maxim adopted is generally true, or the ideal model selected is generally good, but it happens to be inapplicable to the actual case. The hypothetical grounds on which the theory rests are not examined—the relative is mistaken for the absolute—the general for the universal, and hence the rule is applied to one of its exceptional cases.

We have already explained the process by which a sound theory is misapplied in practice, so as to lead to an erroneous result.(9) We have seen that a proposition formed by an inductive extension, may represent correctly the majority of the individuals of a class, but that the class may be also subject to other influences, which this proposition does not include. Hence, the practical maxim framed from this general theorem is liable to exceptions, for which allowance must be made in practice. Thus, received maxims of conduct may prescribe certain constitutional securities, certain legal checks, certain limitations of power, certain modes of responsibility, for persons holding certain public offices; these maxims, being founded on the ordinary and average amount of honesty and intelligence in the given country, are applicable in the majority of cases. It may happen, however, that some cases of remarkable moral and intellectual qualifications may occur in which they are superfluous, and therefore inconvenient. Again, there may be other cases, of persons of peculiar cunning and knavery, in which they may prove inadequate. It is a generally sound maxim, that a government ought not to manufacture the articles required for its use. Yet there may be reasons why it should make its own gunpowder, and build its own ships. It is a generally sound maxim, that a government ought not to engage in trade; yet, if a general before a campaign made no provision of food, and trusted merely to the natural supply, the army would probably be stopped by

(9) Ch. xx.

starvation. It is a generally sound maxim, that the competition of traders ultimately adjusts prices to a fairer standard than would be fixed by legislative interference. But this maxim does not always apply in cases where the rivalry of companies, having large quantities of fixed capital, exists. It is a generally sound maxim, that governments ought not to regulate prices; yet, in cases such as public carriages, where a delay even of a few minutes would be highly inconvenient, and extortion would therefore be practised, such an interference may be expedient.

Now, such exceptions as these are not real exceptions, or rather they are only exceptions because the rule, for the sake of brevity in statement, and from the infirmity of language, is made unnecessarily wide. The rule and the exception, in fact, represent the operation of distinct causes or social laws, but the rule represents the prevailing, the exception the rarer cause. Hence, for ordinary purposes, the one is erected into a general maxim or precept, and the latter is arranged under it as a subordinate or exceptional case. Each, however, has its own principle, which, by a careful and precise analysis, might be separately enounced. For example, the maxim respecting the interference of government in manufactures might be so qualified, as to exclude the cases which are called exceptional. When brought into this state, it would be more cumbrous and complex, but, at the same time, more precise, and less likely to mislead.

In applying a maxim to practice, the hypotheses assumed in the formation of the maxim should be attended to, in order that it may be seen that they coincide with the actual case. If they do not, the maxim is probably inapplicable. If, for example, the maxim assumes an ordinary state of things, and if we have to deal with an extraordinary state of things, its applicability may be reasonably doubted. If a maxim as to the operation of competition, and the interference of the government with the prices of the market, supposes the competition of individual dealers in articles which can be easily moved, and of which the quantity at any given place may be increased or diminished *ad libitum*, it is possible that it does not apply to the competition of

companies, in articles which are fixed to one place, and which cannot be easily augmented or reduced in quantity.

It is in the comparison between the hypothetical circumstances which form the basis of the major premise, with the actual circumstances which constitute the minor premise, that the difficulty of applying political theory to practice mainly consists. Such a comparison leads to the mutual adaptation of the two premises, or rather to the more accurate determination of the major premise, according to the circumstances of the case enounced in the minor premise which the argument requires. By considering the relation of the hypotheses assumed in the pure theory to the complex facts of the case before him, the politician is able to form a general maxim, which he applies to the case, and which leads him to the practical conclusion of which he is in search. For the proper conduct of this process, no rules more precise than those suggested in a former chapter[10] can perhaps be given. Nor can any system of rules, on this or any other subject, either equalize natural powers, or render the exercise of judgment at the moment of action unnecessary. Happy tact and natural sagacity, combined with experience, may hit the right course more effectually than a slower and more systematic understanding, assisted by a knowledge of rules. But a comprehension of the logical process which must be gone through (whether it be perceived by the reasoner himself or not) would facilitate and guide the exercise even of the strongest natural powers, while it enables a less vigorous or rapid mind to make the best use of more limited means.

No theory can be sufficiently minute and detailed in its exposition, nor can any art or system of practical rules, founded upon it, be sufficiently varied and elastic, to meet all the exigencies of political practice without adaptation. Now, in order that this process of adaptation should be properly made, it is necessary that the practician should have a mastery of the scientific theorems or the rules of art which he handles. He should un-

(10) Above, ch. xx.

derstand distinctly how much and how little they imply—what is the foundation on which they have been constructed. If with this knowledge he combines a complete survey and clear appreciation of the facts and circumstances of the case with which he has to deal, and if, moreover, he understands the logical mechanism of the process which he has to conduct, and can handle easily the tools with which he has to work, he is in the best position for the solution of his practical problem in which he can place himself, by any exertion dependent on himself. The process is in itself essentially difficult—no excellence of theory or of rules of art, no skill or experience in their application to practice, no felicity of natural powers, can furnish any infallible preservative against error. The road is flanked by pitfalls, into which the most keen-sighted and wary traveller will sometimes fall. Certainly, there is no subject in which the presumptuous confidence of the self-appointed guides who meet us at every turn is less justifiable. At the same time, we are not to suppose that, because a process is difficult, means cannot be found for regulating our discretion—or that because we may be liable to slip and fall, we can never learn to stand. There is no subject on which sound rules are so useful, as one which is admitted to be of paramount importance, and of great difficulty and intricacy.(11)

§ 4 A third cause of erroneous political practice is when the argument is founded, not upon a general maxim, but upon a precedent or a real model, and, instead of a good precedent or model, a bad one is selected.

We have, in a former chapter, examined the process of reasoning from precedents and real models, and have seen that, although the argument implies a general principle, connecting the two cases, that principle is frequently not expressed.(12) Whether, however, it be expressed or not, if the precedent chosen be an unsound one, the argument founded upon it must lead to an erro-

(11) Nullam dicere maximarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium, atque in maximis rebus errantium.—Cic. *de Off.* ii. 2.

(12) Above, ch. xxi. § 4.

neous practical conclusion; if the real model be unworthy of imitation, the copy must partake of the defects of the original.

The commonest instances of defective precedent are where a routine has been established in any department of public business, whether legislative or executive, and the previous practice is perpetuated simply because it is consecrated by custom, and in spite of the valid objections to which it may be liable. In all the semi-civilized countries, where society has assumed a stationary form, the unprogressive character of the government is owing, in great measure, to the servile and unthinking imitation of bad models, and to the mechanical perpetuation of a vicious system, indicated by existing practice and precedent. Much of the worst parts of an Oriental government is not derived from any maxims of policy, stated in a dogmatic form, but consists merely in a repetition of former measures—in a faithful reproduction of the policy heretofore pursued in the country. In a state of society such as this, the error consists, not in the following of precedents, but in the badness of the precedents which are followed. It is not merely that each generation treads in the steps of its predecessors, but that it follows steps which lead in a wrong direction. If the Persians and Turks, and other Mahometan communities, retained monogamy, as they now retain polygamy—if they retained local municipal institutions as they now retain provincial government by pachas, their adherence to precedent would not be deserving of censure.

§ 5 A fourth cause of erroneous political practice is when a good precedent, or an excellent real model, is selected as an authority, but is misapplied.

We have already seen that much judgment and much care is requisite, in order to make a correct use even of a good precedent.(13) The parallelism of the two cases—the example, and the case under consideration—must be well established before a safe practical conclusion can be drawn. For instance: there may be good precedents for a rapid procedure, and good precedents for a slow procedure; there may be good precedents for

(13) Above, ch. xxi. § 6.

action without previous inquiry, there may be good precedents for action with previous inquiry. But in order to make a correct application of these precedents respectively, it is necessary to examine the circumstances of each, and to apply them to the cases exhibiting similar circumstances. For example, it would be irrational to apply a precedent of legislative inquiry where the subject was complex, the facts imperfectly known, and many discordant opinions prevailed, and where, moreover, there was no pressing need of action, to the case of a general who was called upon for a decision in the midst of a campaign. In cases so manifestly dissimilar as those just suggested, nobody would perhaps think of employing one as a precedent for the other, or, if any such argument were used, its inapplicability would be easily exposed; but where the degrees of dissimilitude are less, the application of irrelevant precedents is often made, and, if the difference should be small, it becomes a hard matter for a perfectly competent judge—a person unbiassed, experienced, and well informed of the facts of each case—to form a confident opinion as to the applicability or non-applicability of the alleged precedent.

It happens not unfrequently, in the discussion of practical affairs, that rival precedents or real examples are cited, and that those who have to decide the question are called upon to judge as to the greater applicability of the one or the other to the case in hand. Inasmuch as no two cases are ever identical in all their circumstances, the comparison is instituted by omitting some of the circumstances of each, and by pointing out the resemblance between their residuary circumstances. Hence, if different portions of the case under consideration are selected for comparison, different precedents may be found, leading to different, or even to opposite conclusions. Thus, let us suppose that the case which stands for decision is composed of the circumstances $A+A'+A''+B+B'+B''$, and that one party in the debate adduce a precedent consisting of circumstances $a+a'+a''+c+c'+c''$; while the other party adduce a different precedent consisting of circumstances $b+b'+b''+d+d'+d''$ The former party treat the circumstances A, A', A'' in the case for decision as material, and reject the others as immaterial.

They likewise treat the circumstances *a, a′, a″* in the precedent as material, and reject the others as immaterial. The other party deal in a corresponding manner with *B, B′, B″* and *b, b′, b″*. The two parties then severally compare *A, A′, A″* with *a, a′, a″*, and *B, B′, B″* with *b, b′, b″*, and allege that the parallelism of each precedent with the case in hand is established. In order to impugn the applicability of his antagonist's precedent, the former party may then argue that *B, B′, B″*, the circumstances, in the proposed case, treated by the other side as material, are in fact immaterial, and that therefore the precedent has no weight; or, secondly, they may argue that *d, d′, d″*, the circumstances in the precedent treated by the other side as immaterial, are in fact material, and therefore that the precedent is inapplicable. Corresponding objections may be made by the latter party to the other precedent. Thus, if one nation receives an affront from another nation, a question may arise, in political debate, as to the policy of resenting the affront, or of leaving it unnoticed. Precedents in favour of each of the two opposite courses may be alleged by the contending parties. There may be valid precedents for resenting a national affront, and valid precedents for acquiescence without retaliation. Each of these may present certain points of resemblance with the particular case of affront under consideration. It will be for those who argue and decide the question to judge which of the rival analogies is the strongest. In like manner, if there be a question whether a certain expense shall be defrayed by a local tax, or out of the taxes of the general government, rival precedents may be adduced in favour of both courses. Each of the precedents cited on both sides may have a certain affinity with the case under discussion. There may be some circumstances, in the particular expense to be incurred, which resemble circumstances in some expenses defrayed by local taxation—there may be other circumstances in it which resemble circumstances in some expenses defrayed by national taxation. The nicety of the practical judgment consists in determining which of these two sets of circumstances preponderate. Thus Machiavel, in examining the question, whether a nation which expects to be invaded should await the attack at

home, or should anticipate the enemy by an aggressive movement, adduces opposite examples of the success both of defensive and offensive tactics under the supposed circumstances—as the successful attack of Scipio upon Carthage on the one hand, and the unsuccessful attack of the Neapolitans upon Charles VIII., in Romagna, on the other.(14)

The scrutiny of the different items of fact upon which the applicability of the rival precedents, and the balancing of the opposite considerations with one another, singly and in the aggregate, depend, is often a delicate and difficult process, requiring rare mental qualifications for its proper performance. In the comparison of the several analogies—in the dissection, illustration, and rejection of the various attempted parallels—all the resources of an acute, dexterous, experienced, and well-informed reasoner—of a mind equally prompt in discerning resemblances and differences—may be tasked to the utmost, even if there is perfect freedom from bias, and a strong desire to decide rightly. On the other hand, it is the business of the advocate, and of the sophistical partizan, to advert merely to those precedents which support his own view of the case, and to withdraw attention from the precedents on the other side; and moreover, to insist merely on the points of resemblance in his own precedents, and to be silent as to the points of difference. In this way he contributes, so far as he is able, to the practical error which consists in the misapplication of a good precedent.

Another variety of the same form of practical error is when a good model is injudiciously copied—when an institution, desirable under the circumstances in which it exists, is assumed to be desirable under a different set of circumstances, and is therefore propagated by imitation. The most frequent example of this error is to be found in the government of dependencies, whether they be newly-established colonies, politically dependent upon the mother-country, or newly-conquered provinces. In either case, the imperial government is apt to introduce its own institutions into the dependency, simply because they are its

(14) *Disc.* ii. 12.

institutions, and with little or no reference to the different medium in which they will, when so introduced, have to act. It may be led into this error sometimes by a belief, that the propagation of its laws and institutions will increase its power—sometimes by the facility of the operation, and an ignorance of the circumstances which cause the institution to be unsuited to the dependent community.(15) Thus, when Athens introduced democracy, Sparta oligarchy, into its dependent states, each believed that, in multiplying copies of its own constitution, it was taking a step which tended to consolidate its own power.(16) On the other hand, the permanent settlement in Bengal was made by Lord Cornwallis with excellent intentions to the province, but with an imperfect knowledge of the probable consequences of his own measure.

The desire of multiplying copies of an admired real model is, further, the source of the system of political propagandism in independent states. Sometimes this desire is interested, as in the case of Athens and Sparta, just mentioned: a nation seeks to impose its own form of government upon other nations for the purpose of increasing its own political influence, through the sympathy and support of governments similarly constituted to its own. At other times, the desire is disinterested—it is the fruit of a political fanaticism, which strives to force upon reluctant nations an institution which the propagandist considers beneficial, and to make them prosperous and happy in spite of their own prejudices. The struggles of the revolutionary government of France to diffuse its principles over Europe, and to introduce republican governments in foreign countries, were owing to a mixture of these motives. Disinterested political propagandism has not only borrowed its name, but has taken its rise, in great measure, from the system of religious propagandism established by the church of Rome, and partially adopted by the protestant churches. The principles of unity of faith and of unity of church government were easily transferred to politics. Looking to this

(15) See Bentham, *Traités sur la Législation*, tom. iii. p. 329; ed. 1802.

(16) *οἱ μὲν Ἀθηναῖοι πανταχοῦ τὰς ὀλιγαρχίας, οἱ δὲ Λάκωνες τοὺς δήμους κατέλυον.*—Aristot. *Pol.* v. 7.

venerated example, the professors of the same political creed easily adopted the notion that it was their duty to propagate, not only their speculative opinions, but also the form of government which they held to be best. And as the church of Rome, whenever it was able, propagated both its creed and spiritual government by force, so it was natural that the members of a political party should resort to similar means for propagating their peculiar doctrines and their temporal government—that proselytes should be obtained by coercion where persuasion did not avail, and that a political fanaticism should be created, not less fervid, unreasoning and intolerant, than the religious fanaticism of the Roman church of the sixteenth and seventeenth centuries.

§ 6 The last cause of erroneous political practice which we are called on to notice is when the facts of the case to which the action relates are imperfectly ascertained, and, in consequence, the minor premise of the practical syllogism is incorrectly laid down. The inaccuracy of one of the premises necessarily taints the conclusion; and, moreover, as the argument is constructed (in the manner already explained) by adapting the major to the minor premise, the inaccuracy of the latter is likely to entail a corresponding change in the former.

The methods of observation by which political facts are ascertained, and the defects to which these methods are subject, have been fully considered in a former part of this treatise.(17) Here, therefore, we need only recapitulate briefly the principal sources of error in the determination of facts. It may happen, for example, that on account of the distance at which the scene of action lies, the facts of the case have not been communicated fully to the government before the practical decision is made. There may likewise have been neglect in transmitting information, or the information transmitted may be erroneous or scanty. Besides, with whatever rapidity, punctuality and completeness, information may be transmitted to the seat of government, it is impossible that facts occurring at a distance should be known to the government at the time of their occurrence; hence, as Tur-

(17) Ch. v.

got has justly remarked, it is necessary in politics to *predict the present*. A decision on a practical question is almost always made upon facts which were prior in time to the moment of decision, and there is therefore an interval between the last known event and the moment of action, which must be filled up by conjecture.

In addition to the errors of fact arising from imperfect investigation, or defective communications, are those which are produced by intentional deceit. Every legislative body, every executive government, every person acting in an official capacity, is liable to be imposed on by false representations, made for the purpose of influencing their practical decision. Documents may be forged, false intelligence may be transmitted, false rumours may be put in circulation, for the purpose of misleading the government, and inducing it to take a step, which, being founded on falsehood, cannot fail to be erroneous.

Now in every case where the facts are misconceived, and the minor premise, expressive of these facts, is erroneously formed, this error (as we have already remarked) must react upon the major premise, inasmuch as the major premise is fitted to the minor. When the facts of a case requiring a practical decision have been laid down, the next step is to frame the maxim under which it is to be placed, so that, in the process of logical invention, the major depends on the minor premise; in other words, the principle of the argument depends upon the facts of the case. Hence, if the case is incorrectly stated, the principle or rule of conduct is in general incorrectly assumed, so that the entire argument is vitiated; and in order to set it right, *both* premises must be amended. The minor premise must be corrected, by substituting the true for the false statement of fact—the major premise must be modified, in order to bring it into conformity with the amended minor premise.

Thus, if it be alleged that a certain legislative measure has failed, inasmuch as it has produced a certain effect, and that it ought, on this account, to be repealed or amended, it may turn out, on closer inquiry into the facts, that the supposed effect does not exist at all—or that, if it exists, it is due to a different

cause. For example, it may be alleged that, in consequence of the alteration of a certain rate of duty upon a certain article of import, its importation had diminished, and it may thence be argued that the measure ought to be re-considered. Now upon investigation it may appear, either that the importation has, upon the whole, increased, or that if there be a diminution, it is owing to a deficient produce of the article, and consequent high prices. If the practical ground should be thus shifted by an alteration in the facts of the case, the maxim of policy applicable to it must be altered likewise. The maxim which recommends change, on the assumption that the measure has failed, must be converted into a maxim dissuading change, on the assumption that the measure has not failed.

§ 7 Another error to which the practical syllogism is liable, and which consists, not in the falsity of either of the premises, but in their relation to one another, arises from the use of an ambiguous or deceptive middle term. The political reasoner is, in this respect, subject to peculiar disadvantages, inasmuch as he often has no technical vocabulary, or, if he has, his nomenclature is so spoilt by popular use, that it performs none of the functions of a scientific language. An astronomer can reason about declination, right ascension, and parallax—a chemist can reason about oxygen, hydrogen, and carbon—a physiologist can reason about a stomach, a heart and a brain, about muscles, nerves, and bloodvessels—a botanist can reason about stamens, pistils, and corollæ,—without any danger of being misunderstood, or of using any of these terms with one meaning in one premise, and with another meaning in the other premise, and of thus committing a syllogistic error. But the politician is perpetually in danger of falling into this trap, on account of the vague, ill-defined, and fluctuating significations of many of the principal terms in his vocabulary. Thus it frequently happens, in popular reasonings, that maxims are established with respect to those rights which by courtesy are called natural, and these maxims (often founded on arbitrary and ungrounded assumptions) are applied to actually-existing rights created by law, and properly

designated by this name. Again: certain maxims, founded chiefly on an induction of absolute monarchies, are laid down with respect to monarchy generally, and these maxims are then applied to a case of limited or constitutional monarchy, although it differs essentially from the class of governments to which the maxim properly refers; or a maxim applicable to dependent colonies, settled by natives of the imperial state, is applied to a dependency of the same state acquired by conquest, and settled by natives of a foreign country, because such a dependency is, by a lax phraseology, comprehended under the general appellation of a colony. In such instances as these, the syllogism consists, in reality, of four terms, and no comparison is instituted between the two propositions which form the premises, so as to make it possible to draw any practical conclusion from them.

The politician, however, both speculative and practical, is, as we have shown in a former chapter,(18) in a less unfavourable position with respect to the possession of a technical vocabulary than he is sometimes represented to be. Many of the terms which immediately concern practice—such as those which are used for legal, financial, commercial, monetary, military and naval subjects—have a strictly-defined signification, and perform the same functions as the technical terms of one of the physical sciences or useful arts. The terms which represent the highest abstractions in politics are those of which the meaning is fixed with the least precision, and which most frequently mislead by their ambiguity; but similar defects may be often observed in the corresponding terms of the physical sciences.

§ 8 In endeavouring to exemplify the errors of practical reasoning in politics, it has been necessary for us to suppose a greater simplicity than really exists. Practice, for the most part, is essentially complex, and sophistry is indistinct, changeable, and obscure. As the process of refutation proceeds, a disingenuous opponent shifts his ground, and exhibits his fallacy in a new attitude. Hence, it rarely happens that a practical fal-

(18) Above, ch. iv.

lacy presents itself in a form ready, without preparation, for a logical analysis. Moreover, it frequently happens (as we have already remarked) that the same argument labours under several defects at the same time. Error of fact, if it does not engender error of principle, will, at least in general, lead to the application of a wrong principle to the particular case. Now before we can understand any complex subject we must resolve it into its elements, and examine these separately. The mind must pass successively in review the several constituent facts which occur simultaneously. Nevertheless, in proceeding thus, we do not imply that they always, or often, or indeed ever, occur separately in practice. A tangled skein can only be unravelled by a series of single efforts, but by taking each part in succession the whole can be reduced into order.

Chapter XXVI.

ON THE SECURITIES AGAINST THE FALLIBILITY OF POLITICAL PRACTICE.

§ 1 IN the previous chapter, we have classified the causes of practical errors in politics, and have shown how they arise from different defects in the reasoning process which precedes and leads to action. A perception of the defects to which this process is liable may afford material assistance in their detection when the practical syllogism has once been formed, and therefore the explanation of them may facilitate the discovery of errors when they exist. It will, however, be possible, consistently with the object of this treatise, to go one step further, and to point out certain methods, which will not only enable us to pass judgment on practical syllogisms when they have been already formed, but may assist the politician in their construction, and direct him to the right path, while he is still uncertain which course he shall take.

In the first place, then, the practical politician should form a clear conception of the nature of the problem which he undertakes to solve, and of the general conditions to which it is subject. He should consider how much of the field of action he can command, and how far the future can be brought under his control; how many of the elements of the problem can be reduced to certainty, and how many must be abandoned to the undisputed dominion of chance. His dealings are with men, and he must therefore appreciate correctly the difference between acting upon the human will and acting upon insentient matter, together with the various consequences which this difference involves. All anticipations of the conduct of men upon a supposed contingency are, more or less, uncertain; but in proportion as men are more under the influence of reason, their probable conduct is more easily predicted. With reference to the powers of

prediction, the acts of caprice, folly, passion, and insanity are, to those of reason, what the movements of the clouds, of the winds, and of meteoric lights, are to the movements of the planets. Each may have their own laws; but the former can be discerned and used as the basis of prediction—the latter cannot. Rational conduct, both of nations and individuals, both in public and in private life, can be safely predicted within certain limits.(1) We can say with tolerable confidence what a wise government, or a wise man, in a supposed case will *not* do. We can cut off the infinite, and reduce their probable courses to a few alternatives: whereas the number of possible courses which a foolish government or a foolish man may take is practically unlimited. Indeed, it is not only impossible to determine which, out of a large number of given courses, a rash or foolish man is likely to take, but his conduct may even defy conjecture as a possible alternative. He may chuse some by-path which nobody perceived—he may start up in some place where nobody looked for him. The maxim, that nations and governments and individual men will act according to their interest, may be of use where discreet and prudent persons are in question, but it is utterly inapplicable in cases where discretion and prudence are wanting,(2) and where men are not only not prudent themselves, but do not seek the advice of others competent to supply their defects, and therefore act, without hesitation, under the impulse of their fancy, caprice, or passion. Unreason sets all calculation at defiance; whereas reason is a sort of constructive notice, or tacit signification of intention. It gives to others a moral security against eccentric divagations of conduct. Hence it supplies, to

(1) The difference between rational and irrational conduct, with respect to prediction, may be compared with the difference between good and bad play at whist, with respect to the insight which players obtain of each other's hands: 'Where the sets are really good players, before half the cards are played out they are as well acquainted with the material ones remaining in each other's hands as if they had seen them. Where two regular players are matched against two irregular ones, it is nearly the same advantage as if they were permitted to see each other's cards, while the latter were denied the same privilege.'—Mathews *on Whist*, p. 7; ed. Bohn.

(2) See Shaftesbury's *Characteristics*, vol. i. p. 115.

a certain extent and imperfectly, the place of law, one of whose main functions (as has been already shown) is to coerce the volition, and to limit the alternatives of action presented to the free agent, and, consequently, to enable the rest of the world to form a better judgment of his probable conduct. On the other hand, when men whose conduct is not under the influence of reason are invested with political power, those with whom they have to deal, and those who are subject to their government, are left in a state of utter uncertainty as to what they may expect. Where, again, the great body of any community are guided by violent and irrational counsels, and follow the advice of unwise leaders, it is impossible for a government to anticipate how any measure, however beneficial in its tendency, and however well meant by its authors, may be received.

§ 2 The dealings of the politician are with men, but his measures are not influenced exclusively by human volition—they are likewise influenced by the operations of nature; and hence arises another class of conditions, to which all his practical problems are subject. Communities of men live under the dominion of natural laws, which they can to a certain extent predetermine, and whose effects they can likewise, within certain limits, modify and regulate according to their wants. Many of these laws are, however, still undiscovered, and some appear to be beyond our powers of discovery, while many of the manifestations of physical phenomena are beyond our control. The physical sciences and arts are all in a more or less imperfect state, great as is the progress which many of them have made, and admirable as are the triumphs which the reason of man, working with his frail diminutive body and feeble muscular powers, has achieved over the world which he inhabits. Of the physical sciences, the most perfect is astronomy; and by means of the laws which theory has determined for the motions of the solar system, the practical astronomer can calculate their places at any future time. Hence, he can lay down rules for the measurement of time, and can frame almanacs, by which the future management of political, as well as all other human

affairs, is materially assisted. Before almanacs were constructed, the practical operations of governments, both civil and military, were impeded by the impossibility of measuring future time.(3) Other inventions in the physical sciences and arts have facilitated the action of governments, especially in the transport of men and letters, in the operations of war, both military and naval, and in the diffusion and perpetuation of writings by typography. But some of the sciences, and the corresponding arts, relating to matters which deeply affect the social condition of man, are still in a very imperfect state. The laws of meteorology are as yet incompletely known,(4) and yet the influence of meteorological agents upon the life of man is far more direct, frequent, and searching, than the influence of astronomical causes. The failure or success of the products of the earth depends, to a great extent, on meteorological agents, the operation of which cannot be predicted;(5) and on the failure or success of the products of the earth depend scarcity and plenty, commercial and economical convulsions, popular content or discontent, and other social phenomena with which the politician has to deal. Meteorological causes likewise influence navigation, military operations, and the course, duration, and intensity of epidemic diseases, in men, animals, and plants, all of which effects, although they can neither be anticipated nor prevented, create subjects for the attention of the politician, and interfere, in a thousand different ways, with the operation of laws, and the measures of a govern-

(3) According to Xen. *Mem.* iv. 7, § 4, Socrates advised young men to learn so much of astronomy as would enable them, on travels by sea and land, and in the camp, to know the time of the night and other divisions of time. Socrates also speaks of the utility of astronomy, not only for agriculture and navigation, but also for military purposes, in Plat. *Rep.* vii. 9, p. 527: see above, p. 341, note 16. The study of astronomy is enjoined to freemen in Plat. *Leg.* vii. 20, p. 817; 22, p. 821-2. Almanacs began to be used soon after the invention of printing. The *Connoissance des Tems* commenced in 1698; the *Nautical Almanac* in 1767. The term *almanac* is derived from a Persian or Arabic word, signifying a new-year's gift.—Grotefend in *Ersch und Grubers Encyclopedie,* in v.

(4) See above, ch. xxiv. § 7.

(5) See Whittle's 'Essay on the Climate of the British Islands, in its Effect on Cultivation,' *Journal of the Royal Agricultural Society,* vol. xi. p. 1.

ment. For example, the potato disease in the United Kingdom, beginning from the year 1845, which appears to have originated in some pervading atmospheric cause, exercised the most important and direct influence upon the commercial policy of the country, and led to changes which have determined the state of political parties since that time. Pestilences, again, such as that at Athens during the Peloponnesian war, the plague of Justinian's time, and the plagues of Florence, Milan, Marseilles, and other towns at later periods, have for a time disorganized society, and deranged all the functions of civil government: all these pestilences have been referred to some constitution of the air, or other occult meteorological agency.(6) The Spanish armada was dissipated by a storm.(7) The ruin of the French army in its retreat from Russia, in 1812, was accelerated by an earlier and severer winter than had been anticipated. All those physical causes which the language of our law classifies together as the 'acts of God,' that is to say, phenomena of which we cannot determine the physical sequence with sufficient accuracy to enable us to predict their occurrence, influence the measures of the politician in a manner which he could not anticipate. To these may be added, the influence exercised upon political acts by the

(6) See Dr. Holland's *Medical Notes and Reflections*: ch. 27, 'On the Influence of Weather in relation to Disease.'

(7) 'Afflavit Deus, et dissipantur:' this legend on a coin marks the unexpected nature of the event. Where any physical event occurs according to some law which we can detect, so that we are able to predict its occurrence (for instance, the alternation of the seasons, or the succession of day and night), we rarely attribute it to a divine agency, although there is as much reason for assigning it to a First Cause as the former class of phenomena. The following just strictures upon the delusion which finds a worthier subject of admiration in the extraordinary than in the ordinary operations of nature are made by Seneca: 'Sol spectatorem, nisi quum deficit, non habet. Nemo observat lunam, nisi laborantem. Tunc urbes conclamant, tunc pro se quisque superstitione vanâ trepidat. Quanto illa majora sunt, quod sol totidem, ut ita dicam, gradus, quot dies habet, et annum circuitu suo claudit: quod a solstitio ad minuendos dies vertitur, quod a solstitio statum inclinat, et dat spatium noctibus: quod sidera abscondit: quod terras, quum tanto major sit illis, non urit, sed calorem suum intensionibus ac remissionibus temperando fovet: quod lunam nunquam implet, nisi adversam sibi, nec obscurat. Hæc tamen non annotamus, quamdiu ordo servatur. Si quid turbatum est, aut præter consuetudinem emicuit, spectamus, interrogamus, ostendimus. Adeo naturale est magis nova, quam magna, mirari.'—*Natur. Quæst.* vii. 1.

imperfections in the art of the engineer, and of the other persons exercising the constructive and useful arts—imperfections which often cause them to mislead the practical politician by erroneous predictions, and promises which cannot be performed.

§ 3 Partly from the nature of the human will, and partly from the operation of incalculable physical causes, every practical political problem contains certain elements which are indeterminate, and which must be set down to the account of chance. Some of the elements can be predetermined—can be brought under the operation of the agent's design or intention, and can be subjected to his control; over the others he can exercise no influence.

The mutual action of political life is often likened to a game: we hear of the game of politics, and of moves being made on the political board. Practical politics, however, do not so much resemble a game of chess as a game of whist. In chess, the position of the pieces at the beginning of the game is precisely similar for both the contending parties, and every move is made by the deliberate choice of the players. The result, therefore, depends exclusively on their comparative skill; chance is altogether excluded. In whist, on the other hand, the distribution of the cards depends upon chance; that is to say, it depends upon circumstances not within the control of any of the players; but with the cards so casually dealt out, each player plays according to his free choice. The result, therefore, depends partly upon chance, or *luck*, as it is called, and partly upon skill. This is exactly analogous to the state of things in politics. A large number of circumstances upon which the practical politician has to act are beyond his control—they are, like a hand at cards, dealt out to him by a power which he cannot regulate. But he can guide those circumstances which are within his power, and the ultimate result will depend, partly upon the character of the circumstances upon which he has to act, and partly upon the wisdom, skill, and prudence with which he conducts himself in reference to them. If the circumstances are very adverse, the utmost skill may be unavailing to produce a successful result.

If they be very prosperous, he may be successful with a moderate amount of good management. If the circumstances should be unfavourable, good management will only meet with chequered success, and will be no effectual security against occasional reverses—though it will be successful in the long run, and taking together both favourable and unfavourable circumstances; whereas in a game of chess superior skill is invariably triumphant, which never happens in real life.

§ 4 Furthermore, the practical politician must bear in mind, that the questions which he has to solve rarely present an absolutely right and an absolutely wrong course: he is seldom in the position of Hercules in the celebrated apologue, chusing between the two roads, one of which leads to virtue and the other to vice. He is usually called upon to chuse, not between black and white, but between two intermediate shades of colour, one somewhat darker than the other. He has to select between alternative courses, each of which has certain advantages and disadvantages. He has to enumerate and weigh these for each, to compare the several results together, and to strike the balance in favour of one. In general, this process consists in the choice of means to a given end, or of hypothetical causes tending to produce a given effect. The comparison of these several means or causes with one another, and the estimate of their tendency to bring about the proposed end, together with their influence in producing various incidental effects, is often an intricate process; but without it, the practical problem cannot be effectually solved.

It may appear probable that *several* of the alternative courses proposed will lead to the desired end; the problem then is, to determine which of them will lead to it most easily and expeditiously. The practical man often finds himself in the situation of a person who has to undertake a journey to a distant country, and to whom different ways of travelling are suggested: one way is more rapid and direct, but perhaps more expensive; one way may be more healthy, but less secure; another may be less dangerous, but more unhealthy; one may entail more travelling

by sea, another may enable the traveller to visit a friend on the road, or to see some remarkable object or some interesting country. He must compare these different modes of reaching his journey's end with one another, and select that which, with reference to himself, combines the most advantages and the fewest disadvantages. It often happens in politics that none of the courses proposed is absolutely to be condemned. Every one of them would ultimately lead to the end in view; but some are more circuitous, more costly, more dilatory, more insecure, more troublesome than others. Again, it often happens that there is only a choice of evils, as when a besieged town has to chuse between a hopeless resistance and an unconditional surrender; or, what is more common, where a government has to chuse between allowing a public object to remain unattained, and incurring a large expense for its attainment. Political alternatives are rarely simple. They almost always consist in degrees of goodness and badness—in various courses, not separated by any broad and precise line of demarcation. Hence the historian, in passing judgment on the conduct of politicians, cannot adopt the simple classification into the good and the bad—the elect and the reprobate—which is possible to the unerring eye of Omniscience. He cannot separate the tares from the wheat, and divide all his judgments into unqualified praise and unqualified blame. Hence he cannot adopt the dictum of Schiller, that universal history is equivalent to the universal judgment.(8) The judgments which he passes must be more circumstantial and less decisive.

§ 5 The practical politician must further bear in mind, that his problem is essentially individual, and that theory, universal principles, scientific truths, and even the rules and maxims of political art, are merely imperfect instruments, intended to assist, but not to control, his judgment in its solution. He has to consider what will be the result of certain causes in the given case: what the result might be in a different set of circumstances, either imaginary or real, is to him a matter of

(8) Die weltgeschichte ist das weltgericht.

indifference, so far as his own problem is concerned. He is to determine the expediency of a certain course, with reference to the particular country, persons, time, and other actual circumstances in question. Thus, to recur to our former illustration, in deciding upon the eligibility of a particular route, we must judge with reference to the given traveller; to his health, pecuniary means, command of time, duties, public or private, and other personal accidents. So, in deciding as to the expediency of a certain political measure, it is necessary to look to the circumstances of the country, the character of the persons concerned, and other phenomena of the given case, and not to treat it as an abstract question, relating to an Utopia, without a history, without peculiar interests, and without neighbours, allies, or enemies. All practical problems are of this nature, whether they concern politics or the useful arts. For instance, an architect, in framing a plan for a new house, is assisted by general theorems of mechanical science with respect to pressure, support, strength of materials, &c.; but his plan must be adapted to the exigencies of the particular case, and must fulfil those conditions of destination, size, expense, nature of materials, &c., which the instructions of the proprietor and the circumstances of the case impose.

The ultimate as well as the immediate consequences of his act ought, indeed, to be borne in mind by the practical politician. He must, for example, consider the effect of establishing a precedent, of creating a real type, which may probably be imitated by others. His conduct may therefore operate, by way of example, beyond the direct results of his measure; but he ought, nevertheless, to impress his mind with the truth, that every practical problem is individual, and that all attempts to deal with practical problems in classes are essentially ruder and more inartificial than their treatment as singulars. The mass of particulars with which a government is brought into contact is so great, as to render general rules and general measures necessary, and to defy the possibility of treating each case by itself, to be judged according to its own circumstances. Still, it can-

not be denied that government would, in many respects, be a more perfect art—that its workmanship would be more finished and appropriate—if an adaptation to individual cases were practicable.(9) As civilization advances, an approximation will doubtless be made to this end—not so much by multiplying local and personal acts of the legislature, as by devising means by which discretionary powers of applying general acts of legislation to individual cases may be safely vested in the judicial and administrative authorities.

§ 6 Moreover, the politician, when he undertakes the solution of any practical problem, should bear in mind what are the qualifications requisite for success in the attempt. In the first place, he should possess the intellectual qualification of skill—the qualification, in a practical politician, which corresponds with mechanical dexterity and resource in a practitioner of the useful arts. Skill may be considered as the combined result of special training, actual experience, and natural capacity. Without a certain quantity of each of these three ingredients, there cannot be skill in any practical or executive department, manual or mental, whether it be carpentering or watchmaking—whether it be painting or architecture—whether it be medicine, law, or politics.(10) In the next place, the politician should be desirous of solving the problem in such a manner as will produce a good practical result with respect to the persons whom the measure is

(9) Compare the remarks on the imitation of real models, as compared with the formation of a new measure for the particular case, above, ch. xxi. § 10.

(10) 'In what consists practical or experimental skill, it is not easy to explain completely; but, among other things, it obviously implies,—a talent for minute and comprehensive and rapid observation; a memory at once attentive and ready, in order to present to us accurately, and without reflexion, our theoretical knowledge; a presence of mind, not to be disconcerted by unexpected occurrences; and, in some cases, an uncommon degree of perfection in the external senses, and in the mechanical capacities of the body. All these elements of practical skill, it is obvious, are to be acquired only by habits of active exertion, and by a familiar acquaintance with real occurrences; for as all the practical principles of our nature, both intellectual and animal, have a reference to particulars, and not to generals, so it is in the active scenes of life alone, and amidst the details of business, that they can be cultivated and improved.'—Stewart's *Elements of the Philosophy of the Human Mind*, c. 4, sect. 7.

to affect. His intention should be good, as his capacity is sufficient.

The remarks already made upon the difficulties of political practice show that mere good intention, without skill, is not competent to the solution of practical problems. The desire of benefiting a community does not enable a man to benefit it, without a knowledge of the means requisite for attaining his end. He must know the causes tending to produce the given effect—a mere wish to produce it will be fruitless. Hence, benevolence or philanthropy, unaided by practical sagacity or wisdom—plain common sense, unaided by appropriate fitness—are in politics unavailing for their purpose. It must, however, be admitted that the difficulty propounded by Socrates to Protagoras, in the Platonic dialogue,(11) has never, up to the present day, received a satisfactory solution. Socrates alleges that political skill appears not to admit of being taught, like one of the useful arts; 'for the Athenians,' he remarks, 'when there is a question of architecture, call in the advice of an architect; when there is a question of ship-building, consult a shipwright, and will not hear the opinion of any unprofessional person, however wealthy or high-born he may be; but when there is a question of the general management of the state, every person, rich or poor, merchant or carpenter, comes forward and gives his opinion.'

Mr. Senior likewise, in his *Treatise on Political Economy*,(12) remarks, that the subordinate functions of a government are performed by persons specially trained for their duties, whereas in the higher departments no such special education obtains; and he accordingly expresses a hope, that the principle of the division of labour will hereafter be applied to providing an appropriate education for those who are to direct the affairs of the state. The distinction which Mr. Senior points out unquestionably exists, but it is not capricious or accidental—it arises from a difficulty inherent in the subject. In the subordinate depart-

(11) Protag. c. 27-8, 36.

(12) Reprinted from the *Encyclopædia Metropolitana* (1850), p. 76.

ments of a government, and, generally, in all those departments which are concerned with the execution of the laws, a division of labour, according to the nature of the subject-matter, is practicable, and, being practicable, it is now universally adopted. In every civilized country, the administrative are divided from the judicial departments; and these, again, from the army, the navy, and the police. The management of the finances is separated from that of foreign affairs. Each department, moreover, is in general confided to persons who have had a special and professional training for the business; thus, lawyers usually fill the judicial offices, military and naval men hold the commands in their respective services, architects and engineers are employed for the construction of public works, medical men for sanitary duties. Whenever there is a limited subject, and a specific class of duties, an appropriate training, combined with special experience, can be secured. But the superior functions of government, particularly those of legislation, exercised by a sovereign body through the medium of deliberative assemblies, cannot be so divided. They are possessed and exercised in a mass by the entire body, and are not distributed among sectional departments. Hence, a member of the House of Lords or House of Commons in England, of the National Assembly in France, of the Senate or the House of Representatives in the United States, or a minister of state charged with the general superintendence of a government, cannot have such an appropriate training, founded on the principle of the division of labour, as the judge of a court, the general of an army, the admiral of a fleet, or the member of an administrative board, may have. The subjects of political discussion and of legislative enactment which may come before him are not confined to any definite class—their variety is unlimited. They may concern any branch of the executive government; they may refer to any subject of law or legislation, or to any conceivable interest of the community. Hence, they may require for their solution any portion of human knowledge.

At the same time, the member of a supreme legislative

assembly, or a minister of state, has a department of business sufficiently defined to admit of an appropriate preparation and experience, differing from those which fit a man for any other department of active life. Thus, he ought to be cognizant of the internal affairs of the country, including under that term its revenue and expenditure, its agriculture, manufactures, and commerce, the prices of commodities, the fluctuations of public securities, the state of the currency, crime, pauperism, and other branches of national economy. He ought to understand the national character, to estimate public opinion and to follow its changes, and to form a correct judgment of the character of the persons who take a prominent part in public life. He ought, besides, to be acquainted with the foreign relations of the country, to know what are its engagements with other states, and to understand the national character of the countries with which his government is required to conduct pacific negotiations, or to carry on hostilities, as well as the characters of the princes, ministers, and leading statesmen, who preside over their affairs. He ought to know the forms of business and usages of state in all matters concerning the supreme government, and the proceedings of parliamentary bodies, where any such exist; and to have improved this knowledge by a long personal experience. Inasmuch as he is often unexpectedly called on to judge upon the most heterogeneous subjects, he ought to know the best and most usual means of obtaining special advice and information. He ought to be able, in such cases, to rely on the judgment of competent authorities in the respective departments, and to act confidently upon the opinion of others, through a knowledge of their moral and intellectual fitness to guide him. Hence, the capacity of selecting fit instruments, and of making good appointments, is eminently characteristic of a person at the head of a government. In addition to these qualifications, he ought to possess a competent knowledge of the history of his country, and of the working of its constitution; he ought to be acquainted, generally, with its legal system, and to understand the principles of the law of nations and of political and economical science. These several

qualifications necessarily comprehend a wide field—inasmuch as it is a field co-extensive with the entire functions of a sovereign government, the essence of which is, that it is capable of including every subject. Nevertheless, if taken together, they present a definite idea, and serve to designate a mental training, which is so far special, that it is peculiar to this department of practice.

§ 7 The politician, in taking any practical problem in hand, may further often derive useful and luminous suggestions from the analogies of medical practice. The practice of medicine, though subject to great uncertainty, has nevertheless been reduced into the form of an art, and is provided with a system of rules, which are constantly verified or corrected by the test of experience. Now the methods of the therapeutic art, which the physician applies to the treatment of the body natural, may often be applied, with the requisite adaptations, to the treatment of the body politic.(13) These analogies are necessarily limited to cases where some positive ill is either to be prevented or removed. They do not extend to those departments of political practice which consist in making the good better.

In the first place, then, it is a sound maxim of political, not less than of medical, therapeutics,(14) that all specifics for a malady are suspicious, while panaceas are to be absolutely rejected. The physician is taught that he must not only understand the general nature of diseases, but that he must study the peculiarities of his patient's case, both as respects the origin and symptoms of his malady, and also his constitution and state of body. His remedies are to be applied so as to remove the cause of the disease, and restore the patient to health; for which purpose he is to observe the symptoms, and hence to form his plan of treatment. The circumstances in the patient's condition to which rational medicine looks, and from which plans of

(13) On the analogy between the methods of political and medical art, see Zachariä *vom Staate*, vol. i. p. 174-8. An argument is derived from this analogy by Machiavel, *Disc.* iii. 1.

(14) See Gregory's *Conspectus Medicinæ Theoreticæ*, c. 24, where the general principles of therapeutics are collected.

treatment can be properly drawn, are described as being four in number: 1, very remote causes, which only predispose the body to disease; 2, remote exciting causes, which induce the disease; 3, the proximate cause; 4, the signs or symptoms of the disease, and the different states of the patient.(15) These maxims may be transferred, with little alteration, to the conduct of the politician. When a political evil exists, he must examine its causes and symptoms, and form his plan of treatment accordingly; he must distinguish the predisposing causes from the positive direct causes which lead to it, and these, again, from the occasion, or accidental cause, from which it immediately springs. He must likewise observe the effects which are symptomatic of its operation. Thus, if an insurrection or popular disturbance occurs in any country, its outbreak at the particular time and place may be owing to some casual occurrence, of little moment in itself. This, however, is the immediate exciting cause. The disposition to disturbance may further be owing to some special causes of local mal-administration; for example, to some tax, or other fiscal burden, to which the people are subject. These may be the remote exciting causes. Lastly, there may be a certain state of the people, with respect to their ignorance, the relations of social classes, their historical recollections, or some similar permanent phenomena, which may predispose them to violent outbreaks. When the disturbance has occurred, it will produce certain consequences, symptomatic of its influence, which the practical politician must carefully watch.

The physician is further informed that his cure must be accommodated to the state of each patient;(16) that he must attend to experience,(17) and watch the results of his treatment as it proceeds. Sometimes his plan of treatment may be borrowed from the feelings and desires of the patient: he may

(15) Gregory, *ib.* par. 959.

(16) 'Curatio omnis accommodari debet singulari uniuscunque ægri conditioni.'—Gregory, *ib.* par. 962.

(17) 'Tantum prodest scientia medica, quantum ad bona remedia bonamque curationem perducat; neque profecto aut leges philosophandi, aut quidem sensus communis, sinunt fidem adhibere ulli ratiocinationi, utcunque speciosæ, cui experientia adversatur.'—*Ib.* par. 964.

prescribe the remedy which the patient wishes, simply because he wishes it.(18) This mode of treatment must often be pursued by the statesman, even in cases where his own judgment would prescribe a different course, because a community who are the subjects of his care are not so willing to submit to a treatment prescribed by the advice of others, and repugnant to their own wishes, as a patient who calls in the assistance of a physician.

It is likewise laid down in medical therapeutics, that different diseases, requiring different treatments, may co-exist in the same patient. The symptoms of the case may, indeed, co-indicate the same treatment; on the other hand, they may contra-indicate, or point to opposite treatments. In the latter case, the most urgent symptom must first receive attention. The co-existence of different evils, requiring different remedies, and even opposite modes of treatment, is of perpetual occurrence in politics, and gives rise to practical difficulties similar to those in medicine. Sometimes, indeed, these morbid appearances are common effects of the same cause, acting for a long time, and producing various results. It may be said generally, in politics as in medicine, that a symptomatic treatment is defective, and that an attempt should be made to remove the cause of the disease.(19) In proportion, however, as the case is complicated, the treatment must be symptomatic; where the disease is aggravated, and the evils to be removed are numerous and deep-seated, the symptoms must be dealt with as they occur, and be subjected to mitigating and palliative remedies. It is a characteristic difficulty, both of medical and political therapeutics, to discriminate between the cases which require a symptomatic or palliative, and those which require a curative or causal treatment.(20) In some cases, a

(18) *Ib.* par. 960, 961.

(19) 'Sæpe enim nullis aut tolli aut sublevari potest remediis molestissimum morbi signum, nisi prius sublata fuerit ejus morbi causa.'—*Ib.* par. 970.

(20) 'Nec major aut frequentior fere in arte medicâ reperitur difficultas, quam ut sciat clinicus quando et quousque mitiganda sint molestiora morbi signa, posthabitâ generali curatione mali, quæ sublatis ipsius causis absolvi debet.'—*Ib.* par. 971.

symptomatic treatment is obviously necessary before a causal treatment can be adopted. Thus, if stupor is produced by a distension of the bloodvessels of the head, the physician must attempt to mitigate the symptom, before he could use any measures for restoring the general circulation to a healthy state. So, if a population is starving from want of food, the practical politician must attempt to relieve the starvation, before he can resort to general measures for preventing the recurrence of famines, by improving the agriculture and economical relations of the people, and infusing into them better habits of industry and forethought. Or, if violence is used by bodies of men, for the purpose of punishing the engrossers of corn during high prices, or of destroying machinery, these disturbances must be quelled, and their effects redressed, before any means can be taken for removing the ignorance and misapprehension out of which such movements arise. In cases such as these, the symptom must be mitigated before the cause can be extirpated; but it sometimes happens, where the symptom is less urgent, that time is merely lost by ineffectual attempts to mitigate the signs and effects of the malady, when, by a bold and decisive stroke, its cause might have been at once removed, and the source of the mischief have been cut off. On the other hand, where the evil may ultimately be cured, though the cure may be slow, a temporizing and palliating policy may be effectual in restoring health, when an attempt to remove the cause instantly would have necessitated a resort to the surgical knife, and the sacrifice of a limb.(21)

With respect, indeed, to time, in the practice both of the politician and the physician, it may be remarked, that an early perception of the existence of any mischief, and promptitude in

(21) ‘Cum furor in cursu est, currenti cede furori.
Difficiles aditus impetus omnis habet.
Impatiens animus, nec adhuc tractabilis arte,
Respuit atque odio verba monentis habet.
Aggrediar melius tunc, cum sua vulnera tangi
Jam sinet, et veris vocibus aptus erit.’
Ovid. *Rem. Am.* 119-26.

treating it, conduce materially to a successful issue.(22) As the cause continues to operate, morbid habits are formed, and morbid effects are multiplied: a vitiated system is engendered, which soon defies the utmost practical skill. When maladies have become chronic, they cannot be removed at once, or by any simple remedy; as time has been occupied in their formation, time must be allowed for their cure—as their effects have been multiplied, the treatment must be various; the general health and regimen of diet, as well as more special remedies, must be attended to. When the malady is in its acute stage, the politician, as well as the physician, may attempt to control it, but will often fail; the most favourable time for cure is at its incipient stage, before it has become acute, and still more before it has hardened into a chronic type. The politician, like the physician, will have frequent cause to perceive that time is an essential element in the exercise of his art:(23) he will learn the necessity, not only of adopting proper measures, but of carrying them into effect at the right moment; and he will find, by experience, that the best remedies will always be impeded, will often be vain, and sometimes even be mischievous, if they are administered out of season.

There is, lastly, another function which is common to the politician and the physician, namely, the adoption of a prophy-

(22) 'Principiis obsta. Sero medicina paratur,
Cum mala per longas invaluere moras.
Sed propera: nec te venturas differ in horas.
Qui non est hodie, cras minus aptus erit.
* * * *
Vidi ego quod primo fuerat sanabile, vulnus
Dilatum longæ damna dedisse moræ.'
Ovid. *Rem. Am.* 91-102.

(23) 'Temporis ars medicina fere est. Data tempore prosunt,
Et data non apto tempore vina nocent.
Quinetiam accendas vitia, irritesque vetando,
Temporibus si non aggrediare suis.' *Ib.* 131-4.

On the importance of time in practical politics, see Zachariä *vom Staate*, vol. ii. p. 259. Theophrastus published a treatise, entitled *πολιτικὸν πρὸς τοὺς καιρούς*, in four books, Diog. Laert. v. 45, where see Menage's note. According to Cic., *De Fin.* v. 4, Theophrastus wrote: 'Quæ essent in republicâ inclinationes rerum, et momenta temporum, quibus esset moderandum, utcumque res postularet.'

lactic treatment, and the employment of such a diet and such measures as will prevent disease, and maintain the system in a sound state.(24) Those sanitary measures which have for their object the maintenance of a normal condition of health should be imitated by the politician, who should strive to discern all noxious influences, and to avert or counteract them before they have caused any serious detriment to the community.

(24) See Gregory, *ib.* par. 973.

Chapter XXVII.

ON POLITICAL PROGRESS.

§ 1 WHEN the facts of any political case have been correctly ascertained, and when a true theory, reduced by proper adaptations into a preceptive maxim, is duly applied to it, all the logical conditions for sound practice have been fulfilled. Every system of rules, however—every scientific art—fails occasionally when applied in practice; and there is no judgment so sure as always to perceive and rectify its defects. Neither in politics nor in any other branch of practice—with whatever department of science it may be concerned—is there any infallible guide to success. In military and naval affairs, in education, in constructive and engineering works of all kinds, in agriculture, horticulture, manufactures, commerce, in all modes of investing capital and of employing labour, as well as in the business of government, the judges most competent, on account of study, experience, and natural ability, often err.

Thus, in the choice of sites for new harbours, docks, and of new roads and lines of communication, the most experienced persons are not infallible in their judgments respecting the wants of trade, and the existence of an effective demand. Projects of this kind, when executed, do not always fulfil the expectations of their promoters. The same remark applies to new colonies. Not every new town becomes an Alexandria; not every new settlement becomes a Carthage, a Syracuse, or a New York. An inferior position is sometimes preferred to a superior one in its immediate neighbourhood, as when Chalcedon was founded before Byzantium.(1) New mechanical inventions of all sorts

(1) 'Les gouvernements ont tenté quelquefois de fixer eux-mêmes les places où les villes seraient bâties; mais leurs décrets sont restés sans effet, toutes les fois que la position et la nature des lieux n'y ont pas attiré ou multiplié la population. On en trouve plusieurs exemples dans

frequently fail upon trial; new buildings prove to be unsuited for their destination; new rooms are unfavourable to hearing.

In like manner, the measures of a government which have been adopted with all securities for their success, sometimes fail in producing the effect intended. As we have shown in previous chapters,(2) the failure may be owing to causes which might by possibility have been foreseen, or to causes which scarcely admitted of reasonable anticipation. But inasmuch as politics admit of a scientific treatment, and can, within certain limits, be reduced to rules—as the experience of the past serves as a guide for the direction of the future—practical wisdom succeeds in the long run. Well-considered measures prove on the whole beneficial, and a well-governed is more prosperous than an ill-governed community.(3)

The immediate aim of every political act is success; to do something well, or to make something better. If a government retains all that is good in its system, and maintains it in repair, and if it eliminates or improves what is bad, the society is progressive, so far as its progress depends upon the government. Political progress is the combined result of the several successful efforts at amelioration. These efforts may, as we have already had occasion to point out,(4) be either systematic, simultaneous, and on a large scale, or they may be single, successive, and unconnected. In either case, however, they are the result of a deliberate design, and are distinctly conceived by their authors before they are executed.

§ 2 The subject of progressive civilization is of such vital importance in politics, that it will require examination before this treatise is brought to an end. We have had frequent occasion to advert to the capacity of progress as the characteristic of

les Etats Unis d'Amérique, et particulièrement dans l'état de Virginie.'—Comte, *Traité de Législation*, liv. iv. c. 2, note, who cites confirmatory passages from Jefferson and M. de Humboldt.

(2) Above, ch. xii. § 10; xxiv. § 18.

(3) See ch. xxiv. § 18. (4) Ch. xx. § 9.

man in comparison with the animal kingdom,(5) and to remark, that without the instrumentality of political government this progress would be impossible. An inquiry into the means by which civilization has been effected, and by which it may be promoted, belongs, however, partly to the philosophical historian, and partly to the scientific politician. In the present chapter, we can only consider the subject so far as the proper method of treating it is concerned; and with this view we will attempt to determine to what extent, and by what evidence, the progress of civilization can be traced from its origin to the present time.(6)

§ 3 We have, in a former chapter,(7) referred to the theories respecting the progress of civil society, which represent mankind as emerging from a state of primitive barbarism, and gradually forming for himself the arts of civilized life. All these theories, from those of Æschylus, Plato and Lucretius, downwards, begin from an assumed positive state of rudeness, and describe the gradual amelioration of mankind, by the formation of political

(5) 'Sous quelque aspect que l'on étudie l'existence comparative de l'homme aux divers âges successifs de la société, on trouvera constamment que le résultat général de notre évolution fondamentale ne consiste pas seulement à améliorer la condition matérielle de l'homme, par l'extension continue de son action sur le monde extérieur; mais aussi et surtout à développer, par un exercice de plus en plus prepondérant, nos facultés les plus éminentes, soit en diminuant sans cesse l'empire des appétits physiques, et en stimulant davantage les divers instincts sociaux, soit en excitant continuellement l'essor des fonctions intellectuelles, même les plus élevées, et en augmentant spontanément l'influence habituelle de la raison sur la conduite de l'homme.'—Comte, *Phil. Pos.* tom. iv. p. 628.

(6) For an account of the manner in which the idea of social progress has been conceived by different writers, ancient and modern, see M. Savary's Essay, *De l'Idée de Progrès;* Paris, 1851.

(7) Ch. xxii. § 20. The distinction between barbarousness and civilization is discussed in Dunbar's *Essays on the History of Mankind in Rude and Civilized Ages,* essay 4 (ed. 2, 1781), and in Ferguson's *Essay on the History of Civil Society,* part iv. § 4.

'The term *polished* (says Ferguson), if we may judge from its etymology, originally referred to the state of nations in respect to their laws and government; and men civilized were men practised in the duty of citizens. In its latter applications, it refers no less to the proficiency of nations in the liberal and mechanical arts, in literature, and in commerce; and men civilized are scholars, men of fashion, and traders.'—Part. v. § 1.

M. Guizot's definition of civilization may be read in his *Histoire de la Civilisation en Europe,* leçon i.; and his *Histoire de la Civilisation en France,* leçon i. On the distinction between a *savage* and a *barbarous* state of society, see above, vol. i. p. 11, note 7.

societies, the enactment of laws, the establishment of marriage, the building of houses and walled towns, the use of fire, and the invention of metallurgy, spinning, weaving, navigation, and other useful arts, until they reached a state of comparative refinement. The description, though professedly historical, is chiefly conjectural.(8) The writers who traced these successive stages of social improvement proceeded on no basis of authentic testimony: they merely assumed a primitive state of rudeness, similar to that which they observed in some savage tribes, and imagined a gradual progress up to the state in which the Homeric poems, and the earliest monuments of their manners and institutions, represented them to have been.

All conjectural history, however, of successive states of mankind is delusive and unsound; and it is a fundamental error to start from an imaginary state of society, and then to trace its evolutions into a real state of society. All descriptions of an aboriginal, or, as the ancients called it, an earth-born, community of men, anterior to history, are necessarily founded on mere hypotheses. The statements of political speculators respecting an alleged state of nature do not admit of verification: there is no contemporary testimony by which the truth or falsity of the picture can be tried.(9) For example, the question which has been

(8) Speaking of the Ligurians, Cato (*Origin.* ii.), said: 'Sed ipsi unde oriundi sunt exactâ memoriâ illiterati, mendacesque sunt et vera minus meminere' (Serv. *ad Æn.* xi. 715), a statement true of other nations besides the Ligurians.

(9) As to the origin of society being beyond the reach of historical evidence, see Comte, *Traité de Législation*, tom. i. p. 192; Filangieri, *Œuvres*, tom. iii. p. 213. On the uncertainty of conjectural history, see the introductory remarks to Kant's *Muthmaasslicher Anfang der Menschengeschichte; Werke*, vol. vii. p. 364.

'Les hommes ont une tendance presque invincible à croire, que tous les animaux et tous les végétaux qu'ils classent sous la même dénomination sont issus de deux individus qui furent le type de l'espèce. Les livres qui servent de base à la religion Chrétienne nous ayant enseigné que les hommes descendent de deux parens communs, nous ne pouvons nous empêcher d'étendre cette croyance à chaque espèce de bêtes, et même à chaque espèce de végétaux. De là, les recherches des savans pour découvrir le lieu dans lequel fut créé le premier père des moutons, la première mère des ânes, ou même le premier grain de moutarde. Ces recherches supposent résolue une question qui ne l'est point, et qui probablement ne le sera jamais.'—Comte, *Traité de Legislation*, liv. iv. c. 6. As to the notions of

raised by some speculative writers, whether the præ-governmental state of nature is a state of peace or of war, and which has been discussed with much gravity,(10) does not admit of solution if treated as a universal problem, comprehending the whole human race. What may be the ordinary or habitual state of a given savage community, which exists without political government, is a question of fact, to be decided by the evidence of civilized men who may come in contact with it.(11)

Conjectural accounts of the primitive state of political societies may be compared with the speculations of physical philosophers (such as those of Lamarck) respecting the transmutation of animal species,(12) and with the cosmogonic theories as to the formation of the earth from a nebula—hypotheses which may be supported by ingenious analogies, but which can never be admitted as deserving to rank among demonstrated, or even demonstrable truths.

Grotius, and others after him, have counselled the student of history to begin with the events nearest to their own time, and to read backwards.(13) Inasmuch as history is a connected narrative, formed upon principles of causation,(14) such a plan of study would, if pursued rigorously, be found inconvenient and

the Greeks and Romans respecting the origin of mankind, see Censorinus, *De Die Nat.* c. 4. 21. A considerable section of the ancient philosophers thought that the human race never had a beginning; that it had existed on the earth from eternity: 'Ejusque rei exempla dicunt (says Censorinus), quod negant omnino posse reperiri, avesne ante an ova generata sint, cum et ovum sine ave et avis sine ovo gigni non possit.'—c. 4.

(10) Puffendorf, b. ii. c. 2, § 5, *sqq.*, examines at length the important question (as he calls it), whether the state of nature is a state of war or a state of peace.

(11) See above, ch. x. § 12.

(12) On Lamarck's theory of the progressive development of species, see Lyell's *Principles of Geology*, b. iii. c. i.; Flourens, Cuvier, p. 286.

(13) 'Cæterum in legendis historiis malim te ductum animi, quam anxias leges sequi. Nullæ sunt, quæ non magnas habeant utilitates; et melius hærent, quæ libenter legimus. In universum tamen non incipere ab antiquissimis, sed ab his quæ nostris temporibus nostræque notitiæ propius cohærent, ac paulatim deinde in remotiora eniti, magis e re arbitror.' —Grotius, *Epist. ad B. A. Maurerium*, ap. *Crenii Consil. et Meth. Studiorum* (1692), p. 656. Similar advice is given by M. Daunou, *ib.* tom. vii. p. 120.

(14) See above, ch. ix. § 23.

perplexing; but although history cannot in general be *read*, or even *written*, it ought, for the early periods of each nation, to be *investigated* backwards. In framing his accounts of the earliest state of a nation, the historian ought to proceed from a more to a less sure footing—he ought to pass from broad daylight into twilight. By attempting the solution of the problem in this reverse order, the historical inquirer is able to start from a state of society known by positive contemporary testimony, and to attempt, as far as possible, to construct the steps by which this state was attained, receding from the certain into the uncertain, and guiding his retrograde movement by such lights as the analogy of other societies, barbarous or semi-barbarous, may furnish. In this way, he will arrive last at the supposed starting point of civilization in the given country; and as the uncertainty will manifestly increase in proportion as he recedes from attested facts, so it will be apparent that the last stage will be the most uncertain, instead of its being assumed as a fixed and certain point of departure, which happens in the other mode of treating the problem.

Much conjectural speculation has been expended on the manner in which mankind formed and developed languages, alphabetical writing, and the more important useful arts;(15) but

(15) See, for example, Goguet's work. Some general remarks on the history of arts may be seen in Ferguson's *Essay on the History of Civil Society*, part iii. § 7.

Mr. Stewart, in his *Biographical Memoir of Adam Smith*, thus characterizes this species of history: 'When, in such a period of society as that in which we live, we compare our intellectual acquirements, our opinions, manners, and institutions, with those which prevail among rude tribes, it cannot fail to occur to us as an interesting question, by what gradual steps the transition has been made, from the first simple efforts of uncultivated nature to a state of things so wonderfully artificial and complicated. Whence has arisen that systematical beauty which we admire in the structure of a cultivated language; that analogy which runs through the mixture of languages, spoken by the most remote and unconnected nations; and those peculiarities by which they are all distinguished from each other? Whence the origin of the different sciences and of the different arts? and by what chain has the mind been led from their first rudiments to their last and most refined improvements? Whence the astonishing fabric of the political union? the fundamental principles which are common to all governments? and the different forms which civilized society has assumed in different ages of the world? On most of these subjects very little information is to be expected from history; for, long

no certain results can be arrived at without the aid of authentic testimony to enlighten us. Man, indeed, does not (as has been supposed) labour under an incapacity of conceiving the origin or beginning of anything.([16]) Where the commence-

before that stage of society when men begin to think of recording their transactions, many of the most important steps of their progress have been made. A few insulated facts may perhaps be collected from the casual observations of travellers, who have viewed the arrangements of rude nations; but nothing, it is evident, can be obtained in this way, which approaches to a regular and connected detail of human improvement.

In this want of direct evidence, we are under a necessity of supplying the place of fact by conjecture; and, when we are unable to ascertain how men have actually conducted themselves upon particular occasions, of considering in what manner they are likely to have proceeded from the principles of their nature, and the circumstances of their external situation.'—p. 46-8; ed. 1811.

To inquiries of this sort, Mr. Stewart gives the name of theoretical or conjectural history.—*Ib.* p. 49. He reverts to the subject in his 'First Dissertation,' p. 185 (*Enc. Brit.* ed. 7), where he remarks that, to a philosophical mind, no study can be more delightful than this species of history; but he does not estimate its practical utility very highly. It is undoubtedly a subject of rational curiosity to determine the origin of mechanical inventions and other artificial contrivances, but it must be borne in mind, that where the commencement of any such invention dates back from a period anterior to contemporary history, the explanation of its origin is merely conjectural, and must not be put on a level with explanations derived from authentic testimony.

Hugh Murray, in his *Inquiries respecting the Character of Nations, and the Progress of Society*, p. 167, takes a sound view of this question. 'It has been supposed (he says) that every conclusion which can be formed respecting the earliest stages in the progress of man, must be beyond the reach of authentic history, and can rest only upon uncertain conjecture. But to conjectural history, farther than as an object of amusement, I have never been disposed to attach much value. The operations of nature are not regulated by the standard of human wisdom. The steps by which she proceeds in accomplishing her ends, when fully developed, discover striking marks of design; but they are almost always different from what might previously have been supposed or expected. In the course of my own inquiries, at least, I have rarely found her taking that course which we, *à priori*, might have imagined that she would take. Hence, an attempt to delineate her processes according to our own previous ideas can hardly fail of leading into error. Where materials were wanting, I have therefore preferred gleaning the few facts which history affords, to an indulgence in hypothetical supposition.'—p. 167. On fabulous origins of the useful arts, see above, ch. x. § 6.

(16) 'What reason requires us to acknowledge is, that the origin of things lies in every case beyond the sphere of our conceptions, which comprehend only their development and progress; and accordingly, the historical inquirer should confine himself to going backward from one step of time to another.'—Niebuhr, *Hist. of Rome*, vol. i. p. 54; Engl. tr. 'Every origin, every creation, is profoundly concealed,' says M. Guizot, in reference to the origin of the new form of European society created by the invasion of the barbarians.—*Hist. de la Civil. en France*, tom. i. p. 280.

'The prime origin of the superstitious notions and ceremonies of the

ment of any art, contrivance, or institution, lies within historical memory, and is recorded by credible witnesses, we are able (as is shown by innumerable examples) to conceive and understand it, as well as any other external fact. The facts recorded in Beckmann's *History of Inventions* are just as intelligible as any other class of facts. We can conceive the first formation of the printing-press or of the steam-engine, and can understand the accounts of it, as well as we can comprehend the production of a bird from an egg or of a plant from a seed. The foundation of Rome would be just as intelligible to us as the foundation of New York or Sydney, if it was described upon equally authentic evidence.

Moreover, when the prior and subsequent circumstances are known, the origin of anything may often be explained by probable reasoning, although the actual fact may not be the subject of attestation. Thus, the origin of the Romance languages admits

people is absolutely unattainable; we despair of ever being able to reach the fountain head of streams which have been running and increasing from the beginning of time. All that we aspire to do is only to trace backwards as far as possible the courses of them, on those charts that remain of the distant countries from whence they were first perceived to flow.'—Brand's *Observations on Popular Antiquities*, gen. pref. p. ii.

Milton and Dr. Ferguson make similar remarks with respect to the beginnings of English and Roman history: 'The beginning of nations—those excepted of whom sacred books have spoken—is to this day unknown. Nor only the beginning, but the deeds also of many succeeding ages—yea, periods of ages, either wholly unknown or obscured and blemished with fables. Whether it were that the use of letters came in long after, or were it the violence of barbarous inundations, or they themselves at certain revolutions of time fatally decaying, and degenerating into sloth and ignorance, whereby the monuments of more ancient civility have been some destroyed, some lost. Perhaps disesteem and contempt of the public affairs then present, as not worth recording, might partly be in cause. . . . Whatever might be the reason, this we find, that of British affairs, from the first peopling of the island to the coming of Julius Cæsar, nothing certain, either by tradition, history, or ancient fame, hath hitherto been left us. That which we have of oldest seeming, hath by the greater part of judicious antiquaries been long rejected for a modern fable.'—Milton, *History of England*, b. i. *ad init.*

'The detail of their story is minute and circumstantial; but on this account is the more to be suspected of fiction; and in many parts, besides that of the fable, with which it is confessedly mixed, may, without any blameable scepticism, be rejected as the materials or embellishments of a mere tradition, which partakes in the uncertainty of all other profane history of the same times, and labours under the obscurity which hangs over the origin of all other nations.'—Ferguson's *History of the Roman Republic*, c. i.

of a complete explanation from historical facts, although the precise process by which they were formed cannot be proved by positive testimony, step by step. We know the Latin language, its general use in the countries where the Romance languages subsequently arose, the date and nature of the conquests by the German tribes, the old German language, the time when the Romance languages arose, and the form in which they first appeared. With the assistance of these facts, and of analogous cases of the formation of languages, we can explain the origin of the Romance languages. But where similar historical information does not exist, we cannot explain with equal certainty the origin of other languages, and can only form conjectures, founded on the analogies of words and forms.(17)

The notion that origins are in themselves obscure, and hard to understand, is analogous to the belief, formerly adverted to,(18) that ancient events are, as such, uncertain and indistinct. If an event has been described by competent contemporary witnesses, and the record of it has been preserved, it is as well attested as a recent fact. In like manner, if the origin of anything has been carefully noted, and that record is extant, it is as easy to understand as an account of its destruction.

It follows, therefore, that there is no inherent obscurity or difficulty in the subject of origins, and that, when the primitive state of any institution lies within the historical period, its progress downwards can be traced by means of successive testimonies.

§ 4 If we take the state of society as it existed in Greece at the time of the Homeric poems, or in Italy at the time of

(17) It is to the influences founded on the affinities of languages that Alex. v. Humboldt alludes in the following passage: 'That which we call the beginning of history, is but the record of later generations. It is a privilege of the period at which we live, that by brilliant advances in the general and comparative study of languages, by the more careful search for monuments, and by their more certain interpretation, the historical investigator finds that his scope of vision enlarges daily; and, penetrating through successive strata, a higher antiquity begins to reveal itself to his eyes.'—*Cosmos*, vol. ii. p. 136: Eng. tr.

(18) Above, ch. vii. § 7, 19.

the earliest authentic accounts, and if we compare it with the state of society in a European civilized country, at certain intervals of time, we can perceive numerous important changes, which are justly designated improvements, because they have increased the sum of human happiness, and diminished the sum of human misery, and which constitute certain steps in the progress of mankind. These elements of social advancement may be distributed into four great series, in so far as they concern—1, politics; 2, religion and ethics; 3, science and the useful arts; 4, the fine arts and literature. For the sake of illustration, we will show how a progress in each of these lines can be traced.

§ 5 If we select the state of society described in the Homeric poems (the best social type in that age) as our point of reference, and compare it with civilized communities at several subsequent periods, we shall discern a progress under each of these heads. Beginning with the political institutions, we find that the Homeric state was presided over by a king, who was possessed of extensive powers and privileges, both in peace and war, and who occasionally convened an assembly of the chief persons; but this assembly had no legal organization, and did not decide by a regular vote. There were no written laws, and no official judges. This state of things may be first compared with the small oligarchies and democracies of the period of the Persian and Peloponnesian wars, when the constitution of a political body, deciding by the vote of a majority, was fully established; when there were written laws and a regular judicature, with a system of taxation, and salaried public officers. Next, it may be compared with the Roman government, extending its empire over the entire civilized world by means of an organized military system, and administering a scientific jurisprudence. We may next descend to the beginning of the seventeenth century, when we find the feudal kingdoms of Western Europe contending with bodies of estates, and the representative system of government in its infancy. Domestic slavery is abolished, and predial servitude is nearly extinct. Lastly, we may take

our own time, when the representative system is fully developed, and many other important political improvements in the administrative and judicial departments (including the abolition of torture in judicial procedure) have been introduced. Since the year 1600, moreover, the action of civilized governments has been facilitated by numerous inventions in the useful arts, affecting its operation in receiving intelligence and transmitting orders, in conducting military and naval warfare, and in overcoming the obstacles of nature. Economical relations likewise, both with foreign and dependent communities, are better understood, and subjected to more wholesome regulations.

§ 6 Taking the second series, we find in the Homeric period a lively polytheism, which sees the perpetual and personal action of the gods in human affairs, and in the phenomena of outward nature.(19) The interferences of the gods are scarcely regarded as miraculous—they are a part of the ordinary course of events, and of the moral and physical government of the world. The gods share the passions and vices of mankind: they are more powerful, but not more benevolent or more disinterested—not less envious or less vindictive—than the fleeting race of mortals. War forms the leading employment of the heroes, and piracy is habitual. Their feelings towards captives are harsh, and the treatment cruel—the fate of a captured city is terrible.(20)

Now this state of things has undergone a great change by the time of the Peloponnesian war. Partly from observation, and partly from the lessons of the philosophers, an idea of a fixed course of nature, both in human affairs and in physical occurrences, has been established; the interferences of the gods are now conceived as extraordinary, and as occasional interruptions

(19) See Price, pref. to Warton, p. 20, for a description of this stage of the human mind.

(20) Compare *Iliad*, ix. 587: ——— καὶ οἱ κατέλεξεν ἅπαντα
κήδε' ὅσ' ἀνθρώποισι πέλει τῶν ἄστυ ἁλώῃ, &c.

This is given as a description of the ordinary treatment of a captured town; and it is exemplified in the detailed accounts of the taking of Troy, which were doubtless borrowed from real life.

of a constant natural series. War likewise, though frequent, is an exceptional state of society; amidst great insecurity, peace is the normal state, to which every community looks as the type of happiness. The customs of war are cruel, but the treatment of a conquered population which is considered severe in the Peloponnesian war, was the ordinary practice in the Homeric age.

Ethics, likewise, have become a subject of scientific analysis. Men, as moral agents, no longer live exclusively in the world of emotions and feelings—they have penetrated into the world of ideas, and under the guidance of Socrates have begun to ask themselves—what is virtue?—what is justice?—what are prudence, temperance, fortitude?—how ought a house to be governed?—how are children to be educated? From mere traditionary habits, with no other guides than absolute moral dicta, proverbs, and apophthegms, they have risen to speculations about ethical duties.

At the beginning of the Christian era, the empire of the established polytheism over the minds of the cultivated classes—of those who were imbued with the teaching of the predominant philosophic sects,(21) whether Stoic, Epicurean, or even Academic—had been destroyed or greatly enfeebled, and thus an opening was made for the extension from the East of the Christian religion, and its introduction into the Roman empire. Manners, likewise, in the Augustan age, had become more polished. The Roman nation had passed out of the semi-Oriental state of seclusion in which the Greek wife lived—she had the more energetic virtues and vices which belong to new freedom. The Roman family was better organized than the Greek family.(22) It may be added that, during the empire, practical ethics received greater precision and illustration from the systematic development of jurisprudence by the Roman lawyers.

Descending to the year 1600, we see that the religion of the civilized world has undergone a mighty change since the

(21) See *Nov. Org.* i. 79. (22) See Dion. Hal. ii. 24-7.

reign of Augustus. All traces of the ancient heathenism have long been swept away. The Christian religion and Christian church are paramount in Western Europe. Ethics have become subordinate to religion, and are taught almost exclusively by the clergy: the ethical doctrines of the ancient philosophers are now only repeated by historians and learned writers. All the practical teaching is Christian, and it is imbued with the spirit of humanity, mutual charity, forgiveness of injuries, fraternity and equality, which characterizes the Christian ethics, and which distinguishes Christianity in so prominent a manner from the ancient heathen religions. In the latter, the ethical element was both subordinate and defective.

In the middle of the nineteenth century this state of things exists without any fundamental change. But manners are softened, and practical ethics have been improved during the last two centuries. Religious persecution—the forcible diffusion of its distinctive opinions by a predominant church—which was the great deduction in Christianity from the pacific and softening effect of its ethical code, and which during the sixteenth and seventeenth centuries filled Europe with bloodshed, proscription, and severe political compression, has been abandoned in the most advanced countries, and mitigated in all. National antipathies have been weakened; a more cosmopolitan feeling prevails: men are less confined, both physically and mentally, within the limits of their own country: there is more communication with foreigners by sea and land; the newspapers and literature of one nation penetrate into neighbouring regions. Benevolent institutions of all kinds have been established: philanthropy has been studied and practised almost with professional zeal. The condition of the working classes—those classes whom the free states of antiquity kept permanently in a servile state—has been carefully scrutinized, and their interests more considered. Extensive measures, intended to improve the health, comforts, physical and moral condition of the people at large, and to cultivate their understanding, have been diligently elaborated, and assisted both by public and private funds. The weak, the help-

less, the unprotected—children, and widows; the sick, the maimed, and the lunatic; debtors and prisoners—have been the subjects of solicitude. Prison discipline has been improved, and the severities of punishment have been mitigated. Negro slavery has been abolished in the dependencies of European states, and there is scarcely a corner of the earth into which the active propagandism of modern benevolence has not penetrated. Even the tendency to war, under the influence of humaner feelings and more enlightened opinions respecting trade, has received a sensible check.

§ 7 The third series consists of two elements, which, though after a time they become closely connected, were originally quite independent of each other. In the Homeric age there was no science, but the useful arts had already made a considerable progress. Men lived in houses, and had built walled towns; they spun and wove flax and wool, and made clothes. They knew the use of metals, and had instruments for tilling the earth, and for cooking their food; they ground corn, and baked bread. They had arms for fighting, and carriages for locomotion: they had built ships, and could make voyages of some length. They had tamed the horse, the ass, and the dog; the ox, the sheep, the goat, and the swine; and had rendered these animals subservient to the wants of man. They could count, weigh, and measure; and they had the use of a language refined in its inflexions, precise in its grammar, and capable of expressing every idea which a man of that time wished to express.(23)

(23) The following remarks of Goguet, in his *History of the Origin of Laws, Arts, and Sciences*, illustrate the dependence of the useful arts upon civil government, and therefore explain their connexion with progressive civilization: 'L'invention et la perfection des arts est un des premiers et principaux fruits de l'établissement des sociétés fixes et policées. Le besoin a été le maître et le précepteur de l'homme. La nécessité lui a enseigné à profiter des mains qu'il a reçues de la providence, et du don de la parole, dont elle l'a doué préférablement à toutes les autres créatures; mais les premières découvertes n'auraient jamais été portées à un certain degré sans la réunion des familles, et sans l'établissement des lois qui ont affermi les sociétés. C'est par ce moyen qu'on a réussi à perfectionner peu à peu quelques inventions grossières, fruit du hasard et de la nécessité: nous voyons que les découvertes dans les arts ont été attribuées aux peuples qui se sont formés les premiers en

By the end of the Peloponnesian war, the useful arts had made a considerable progress in Greece. Alphabetical writing had been introduced from Asia, and simplified; a numerical notation had also been devised. Coined money was in use. All the constructive arts had been developed, and soon after this time the principle of the arch became known. The masons, carpenters, shipwrights, smiths, potters, and other artisans of the time of Pericles, were certainly more skilful, and had more resources and powers, than those of the Homeric age,(24) although we cannot trace the improvements step by step. The mode of living was less rude: a banquet, for instance, would have been more splendid and luxurious at Athens, in the fourth century before Christ, than in the dwelling of a Homeric prince.

The great change, however, which had taken place under this head since the Homeric period, consisted in the introduction of science and systematic knowledge. In the first place, writing had been applied to the registration of contemporary facts; histories, recording a real series of observed events, affecting communities of men, and the continuous conduct of governments, had been composed. The new positive spirit, however, did not stop here—it attempted, by reasoning upon physical phenomena, to explain the changes of outward objects, and to arrive at some philosophy of nature considered as a whole. The Socratic school gave a different turn to the new-born spirit of inquiry. They directed their investigations towards ethics, politics, rhetoric, and logic; and reduced all these subjects into a scientific form; afterwards the different departments of nature were mapped out, and treated in a scientific spirit; and though all the physical researches were not equally successful, they laid the foundation of scientific physics. They created geometry(25) and mechanics;

corps d'état. C'est en continuant à se faire part mutuellement de leurs ideés et de leurs réflexions, que les hommes, à l'aide de l'expérience, sont parvenus à acquérir cette multitude de connaissances dont on a vu et dont on voit encore jouir les nations policées.'—Liv. ii. introd.

(24) See the enumeration of artificers in Plutarch, *Per.* 12.

(25) M. Comte (*Phil. Pos.* tom. v. p. 255) considers Archimedes as the type of the true geometer.

and in medicine, astronomy, geography, and natural history, they not only laid the scientific foundation, but raised the superstructure to a considerable height.(26)

The Romans cultivated the sciences which they borrowed from the Greeks, without materially enlarging their domain. In the useful arts, however, and particularly those belonging to construction, they made great progress. Their amphitheatres, aqueducts, and public buildings;(27) their great military works and method of castrametation; their roads and bridges, their system of posts, and their land mensuration, all attest their successful cultivation of the useful arts. Their skill in the manufacture of cement and bricks, and their development of the use of the arch, are further evidences of their skill in building. Their military organization, by which they first conquered the world, and afterwards held it in subjection, was partly owing to their superiority in the useful arts over all other nations. Their weapons, carriages, and modes of fortification and communication, enabled them to overcome their enemy in the field, and to occupy his country when the battle had been won.(28)

On reaching the year 1600, the next stage of our comparison, we perceive great changes in the useful arts. Three capital inventions have during this interval risen into light—gunpowder, the compass, and printing. The first of these gradually changed the face of war; altered all the weapons, both of offence and defence, the organization of fleets and armies, the system of

(26) The idea of a progressive advance in science is contained in the remarks of Aristotle, *Metaph.* i. min. c. 1. Likewise Cic. *Acad. Quest.* iv. 5: 'Quod si illi tum in novis rebus, quasi modo nascentes, hæsitaverunt, nihilne tot seculis, summis ingeniis, maximis studiis, explicatum putamus?'

(27) Strabo observes that the Romans paid more attention than the Greeks to pavements, aqueducts and sewers, in the construction of their towns, v. 3. § 8. On the existence of a great statistical register of the Roman empire see Dureau de la Malle, *Economie Politique des Romains,* tom. i. p. 191.

(28) Pliny speaks of the civilizing influence of the Roman empire: 'Quæ sparsa congregaret imperia, ritusque molliret, et tot populorum discordes ferasque linguas, sermonis commercio contraheret; colloquia et humanitatem homini daret; breviterque una cunctarum gentium in toto orbe patria fieret.'—*Nat. Hist.* iii. 6. See above, p. 284, n. 127.

fortification, and the methods of military and naval tactics.(29) The second enlarged the powers and changed the character of navigation. The third, combined with the invention of paper, by facilitating the modes of intellectual communication, exercised a pervading influence on literature, science, manners, and government.(30)

By the use of the compass, distant voyages were effected which the mariner of antiquity could not have accomplished. The Cape of Good Hope was circumnavigated, and America was discovered. By gaining access to all the remote parts of the

(29) M. Comte lays it down that the arts of war have made less proportionate progress among the moderns than the arts of peace; and that whereas, among the ancients, the former were in advance of the latter; among the moderns the latter are in advance of the former.—*Cours de Phil. Pos.* tom. v. p. 166-7. The detailed examination of this position would require the special knowledge of a military engineer; but I may be permitted to remark that it is impossible, in numerous cases, to draw a precise line of demarcation between the arts of war and the arts of peace. The same invention or improvement is used both for peaceful and industrial, and for warlike and destructive purposes: thus, steam-navigation is an invention which is important, not only for the uses of trade, and for the conveyance of goods and passengers; but also for the removal of troops and ammunition, and for attack in war. All improvements in ship-building and navigation have likewise the same double aspect. A similar remark applies to railways, roads, bridges, telegraphs, signals, and all other means for facilitating and accelerating the transport of men and provisions, and the transmission of intelligence and orders. The perfection of the useful arts and the extension of trade likewise increase the means of maintaining the health, courage, discipline, and efficiency of troops during a long campaign. The casting of cannon and the manufacture of all sorts of arms are closely connected with the general improvement of the various arts of working metal. Fortification, again, and the defence of strong places, are connected both with masonry and hydraulics. In all these cases, the arts of war and the arts of peace march, as it were, hand in hand; but the invention of gunpowder is almost exclusively warlike and destructive. Now this invention and its consequences, the cannon and the musket, have completely changed the face of war: all military tactics, the arrangement of armies, their modes of attack and defence, their order of battle, their armour, the form and size of ships of war, and their modes of fighting,—in fact, every part of the military and naval systems has been fundamentally altered by the influence of this powerful agent. Machiavel has shown that the use of artillery is an advantage to the offensive, not to the defensive side (*Disc.* ii. 17); and the known fact, that scarcely any fortress is now impregnable, and that the resources of the military engineer are sufficient to overcome almost every means of defence, shows that the arts of war have made a great progress in modern times.

(30) See Bacon, *Nov. Org.* i. 109, 129; Comte, *Phil. Pos.* tom. vi. p. 103, 114.

world, new vegetable products were obtained. Tea, coffee, sugar, spices, cotton, tobacco, maize, the orange,(31) the potato, were made known to Europeans. Distillation, likewise, was an important invention, posterior to the Roman period, and anterior to the seventeenth century.

The sciences, as well physical as moral, had made little progress between the age of Augustus and the year 1600. Between that period, however, and the present time, the physical sciences, since the first impulses given by Galileo, Bacon, and Kepler, have undergone a mighty change. Their development has likewise not only formed a new creation of scientific instruments (such as the clock, the telescope, the microscope, the thermometer, the barometer, the hygrometer, the diving bell, the balloon), but it has also exercised a potent influence upon the extension of the useful arts. The scientific cultivation of mechanics and chemistry has led to the invention of the steam-engine, which as a stationary motive power, or as employed for railways and navigation, has influenced every branch of industry and every department of practical life. Lighting by gas, and the electric telegraph, are further instances of the scientific enlargement of the useful arts.

In the metaphysical, moral, and political sciences, and in the cultivation of history, great advances have been made since the year 1600. Historical and statistical observation has been systematized and enlarged; and not only has the collection of facts been extended, but political philosophy has made great advances, though (for reasons which have been investigated in a former chapter),(32) it has not been placed on so firm a basis, or obtained so general a reception, as the most advanced physical sciences.

§ 8 No better evidence of the esthetic state of the Greeks, in the Homeric period, can be desired than the Homeric poems themselves. As an instrument for the expression of emotion,

(31) On the cultivation of fruit trees as a mark of civilization, see Comte, *Traité de Législation*, lib. iv. c. 8, note.

(32) Above, ch. iii. § 10.

and for the description of external objects in harmonious, varied, and dignified metre, the early Greek language has never been surpassed, and perhaps has never been equalled. A people capable of producing and appreciating such works as the *Iliad* and *Odyssey* must be considered as having attained a considerable height of esthetic development. Here, however, we must stop. Prose composition, for which the habitual use of writing is a necessary condition, did not exist; and poetry was confined to the epos. Music was in a rude state; painting, sculpture, and architecture were not as yet fine arts.

But in the interval between the Homeric period and the Augustan age, the Greeks had brought to perfection not only every species of literature, but sculpture and architecture, and they had probably attained to considerable excellence in the arts of painting and music. They had created and perfected the elegiac, lyric, dramatic, and epigrammatic styles: they had produced models of oratory, of history, and of the philosophical dialogue, considered with reference merely to their literary execution. The Romans exceeded them in architecture, considered as a useful and constructive art; but in architecture, considered as a fine art, the Greeks reached the highest point of excellence, and have never been surpassed. The Roman literature was, for the most part, formed upon Greek originals, though the Roman satire was a new literary creation. The painting and sculpture of Rome were likewise devoid of originality.

Modern literature has been to a great extent modelled upon ancient forms: but, both in poetry and prose, it has produced numerous original works of the highest excellence, though the classical works of antiquity still remain unsurpassed.

In sculpture, the moderns have never equalled the Greeks, even in that small portion of the remains of Greek art which have been preserved. The art of painting has been the great field of original invention among the moderns. Having no antique models to imitate, they created for themselves, and in the sixteenth century reached a height of perfection which has never since been attained. In architecture, the moderns have

likewise produced a style of building, which, considered simply with reference to its esthetic merits, stands on an equality with the Grecian style.

In following the scientific and esthetic development in successive ages of the most civilized portion of mankind, it is necessary to advert to an important distinction between literature and the fine arts, on the one hand, and science and the useful arts on the other, in respect of progress. Science and the useful arts are improved by slow degrees, each successive inventor and discoverer adding something to what was known and had been contrived before; and thus the newest production supersedes its predecessors. No one now uses the Greek arithmetical notation; firearms have driven out battering-rams and cross-bows; the copyist of books is replaced by the printer; and the railway has supplanted the stage-coach—the steamer, the sailing-packet. In science, the matter and the method are more important than the form. In scientific treatment, excellence of form, which consists only in arrangement and perspicuity of style, is attainable by persons of ordinary ability; and thus, as science advances, and new proofs and methods are invented, the original productions of the greatest scientific geniuses are superseded, though their conclusions may be retained. Hence, all scientific works lose their value by time, if the science is in a progressive state. Writings which, when they first appeared, enlarged the domain of science, are, after a time, interesting only as illustrative of the progress of discovery.

In literary productions and works of art, however, the expression and form are not less important than the matter. They do not belong to a class of mental creations which admit of successive improvement and extension, in which the field is fertilized by the efforts of successive cultivators. When once formed, they have reached their ultimate development; something better in the same style may be produced, but each work of art retains its own individuality; and if the form is happily chosen, it may continue to please for ever. The *Iliad* and *Odyssey*, the *Prometheus* and the *Œdipus*, the *Oration for the Crown*, the Parthenon, the Apollo Belvedere, the *Æneid*, and the *Odes* of Horace; the poems of Dante, Shakspeare, and Milton, and

the pictures of Raphael, are great works of art, in which the form is an essential element; and inasmuch as their form is the achievement of great masters in their respective branch of art, they cannot be superseded by subsequent terms in a progressive series. The *Principia* of Newton may be replaced by a modern treatise on astronomy; but Homer is not superseded by Dante, nor Æschylus by Shakspeare. One scientific work supersedes another, as a new edition of a book supersedes the former editions, and as the last fashion drives out its predecessors; whereas a great work of art is immortal, and is not subject to the law of successive replacement which pervades so large a part of human affairs. Hence, too, works of art do not advance in a progressive line of excellence; but there are ebbs, according to the accident of genius in individuals, or other circumstances influencing the creative and imaginative power.

§ 9 Now, on reviewing the four series under which we have arranged the elements of civilization, and on comparing at certain successive intervals the most advanced countries with respect to each, we perceive that there is in general an improvement under each head. It is this improvement which constitutes the progress of civilization, and which characterizes communities of men as distinguished from communities of animals.(33) The capacity for improvement is most perceptible under the heads of politics, ethics, sciences, and the useful arts. Civilization consists principally in an improvement in these departments. On the other hand, religion, literature, and the fine arts are, for different reasons, less susceptible of a regular progress: religion, because it consists of a definite set of doctrines; of a fixed dogmatic system, not admitting of ulterior development; literature and the fine arts, because their productions are complete in the original form, and are not connected together as steps in a progressive movement.

By confining ourselves to the most civilized nations, at successive epochs, properly selected, we find a general progress in civilization, which has continued, with certain oscillations, up to the present time, and may be expected to proceed farther. Inter-

(33) See above, ch. ii. § 4 & 5; xxii. § 24; xxiv. § 5.

preted in this manner, the progress of civilization may be likened to a river, of which the fountain is undiscovered, and which continues during its whole course, with certain irregularities, to widen its channel and augment its stream, as it is further removed from its origin. We may say of civilized society as of the Nile—

'Non licuit parvum populis te, Nile, videre;'

but when its stream has once reached a tolerable width, we can follow its ulterior course, and measure its increasing magnitude.

§ 10 It is only, however, by selecting certain communities, and treating them as specimens of the entire human race, that we can speak of a *general* progress of civilization, and that we can regard advancing civilization as the subject of universal history. Even if we take the history of the nations of Western Europe and their colonies, we perceive that, although their present civilization is tolerably uniform, their advance has been uncertain and irregular, and that, in order to trace a constant progress in them, it is necessary to compare their state at long intervals of time.(34)

With respect to other nations, they are universally on lower levels of civilization, and their inferiority has been sometimes owing to their incapacity to advance, sometimes to a retrograde movement, and to a loss of ground previously gained. Thus, the plains of Assyria and the valley of Egypt are now in a more barbarous state than when Babylon and Thebes were the seats

(34) 'A philosopher (says Gibbon) may be permitted to enlarge his views, and to consider Europe as one great republic, whose various inhabitants have attained almost the same level of politeness and cultivation. The balance of power will continue to fluctuate, and the prosperity of our own or the neighbouring kingdoms may be alternately exalted or depressed; but these partial events cannot essentially injure our general state of happiness, the system of arts and laws and manners, which so advantageously distinguish above the rest of mankind the Europeans and their colonies.'—'Observations on the Fall of the Western Empire,' at the end of c. 38. Compare Sismondi, *Etudes sur les Constitutions des Peuples Libres*, essai iv. p. 175, 'On the Progress and Progressive Tendency of the European Nations.'

'Our civilization, that is, the intellectual development of all the nations of the European continent, may be regarded as based on that of the dwellers around the Mediterranean, and more immediately on that of the Greeks and the Romans. From the shores of the Mediterranean, and especially from its Italic and Hellenic peninsulas, have indeed proceeded the intellectual character and political institutions of those nations

of empire—Asia Minor and Northern Africa have receded in wealth and population since they were occupied by the Greeks, Carthaginians, and Romans.

Moreover, a large part of mankind, belonging to races less highly endowed than those which have made the great advances in civilization, continue to vegetate in a stationary condition, and adhere tenaciously either to the savage or to the Oriental type of society, without showing any aptitude for a higher development.

Mankind unquestionably, as Dr. Prichard has shown, forms one species, in the sense in which this word is used by naturalists; that is to say, all varieties of the human race are capable, not only of breeding together, but of producing a prolific offspring.(35) There is no such thing in physiology as a human mule: men of different races do not produce a hybrid progeny. The union of the Esquimaux and the Malay—of the Anglo-Saxon and the Negro—produces children who can continue their species indefinitely, not less than the unions of parents belonging to the same race. The varieties in the races of mankind are not so great as those in the races of dogs, all of which form one natural species. The dog is, indeed, a domestic animal, and the varieties in the dog may have been increased by domestication, and by the influence of man in selecting the specimens for breeding. Nevertheless, even with dogs, no new varieties have been produced artificially within the time of historical memory; and some peculiar breeds known to the ancients (such as the small Maltese dog),(36) have become extinct, and cannot be restored.

who now possess the daily increasing treasures of scientific knowledge and creative artistic activity, which we would fain regard as imperishable; nations which spread civilization, and with it, first servitude, and then involuntarily liberty, over another hemisphere.'—Humboldt's *Cosmos*, vol. ii. p. 178-9. With respect to the decline of the ancient states, besides the work of Gibbon see Drumann, *Ideen zur Geschichte des Verfalls der Griechischen Staaten* (Berlin, 1815).

(35) On the nature and criterion of animal species, see Prichard, *Natural History of Man*, § 3 & 4; Lyell's *Principles of Geology*, b. iii. c. 1—4, 8, 11. It seems that in some instances the hybrid offspring of different species has been prolific for a single generation; but no hybrid race is permanently prolific, and the test in question is practically accurate.

(36) Aristot. *Hist. An.* ix. 6; Plin. *Nat. Hist.* iii. 30. See Camus, *Notes sur l'Histoire des Animaux d'Aristote*, p. 215.

Man can modify the races of dogs by crossing the breeds, and by the other influences of domestication, but he cannot create a new race. The distinctive marks of the races of mankind have remained unchanged, so far as our knowledge reaches back. Since the Negro, the Mongol, the Malay, and the Red Indian races, have been known and observed by the civilized world, their respective peculiarities, both physical and mental, have undergone no change. The type is as unchanged as that of the greyhound since the time of the Romans.(37) The type of a race, both in man and animals, is, so far as we observe, fixed—existing races are continued—new races are not formed. If we take our point of departure at the present time, and trace back the several races of mankind, up to the time when contemporary accounts desert us, we shall find that their main characteristics have been hereditary, and that we make no approximation to the discovery of a common type, from which the several varieties diverge the more, in proportion as they are distant from the point of separation. The Scythians of the time of Herodotus do not approach the European type more than the Tartars of the present day.(38) On the contrary, civilization, by introducing conquest and slavery among the inferior races, has produced a large population of persons of a mixed breed—men of colour, mulattoes, mestizoes, half-castes, quadroons, &c.(39)—who other-

(37) See several representations of the greyhound from the antique, in the *Translation of Arrian on Coursing, &c.*, by a Graduate of Medicine. (London, 1831; 4to.) That the varieties of the dog tribe have become permanent is remarked by Dr. Prichard, *Nat. Hist. of Man*, § 7, *ad fin.*: elsewhere he defines permanent varieties by saying, that they are 'races now displaying characteristic peculiarities which are constantly and permanently transmitted. They differ from species in this circumstance, that the peculiarities in question are not coëval with the tribe, but sprung up in it since the commencement of its existence, and constitute a deviation from its original character.' (§ 3.) It is possible that varieties in animal species may not be coëval with the species; but there is no evidence of a period when all the animals of a species were precisely similar to each other, and no varieties existed.

(38) As to the ancient Scythians being a Mongolian race, see Niebuhr, *Kleine Schriften*, p. 361.

(39) Concerning the mixed races of men, see Prichard, *Natural History of Man*, § 5.

wise would not have existed. It has, nevertheless, not diminished the interval between the pure or unmixed races.

Now, confining ourselves to the results of experience, we are not entitled to say that any of the races, either in the Oriental or the savage state of society—from the Chinese, Hindus, Persians, and Turks, down to the Red Men of America, the Negro tribes of Africa, and the Australian savages—are capable of attaining to the degree of civilization which has been reached by the communities of Western Europe and their colonies.(40) Not only have they not shown any capacity similar to that which has enabled the European nations to civilize themselves, and to make the advances, traceable by historical evidence, which distinguish the civilization of the Homeric age, or that of the ancient Germans, Gauls, Iberians, and Britons, from the civilization of modern Italy, France, Spain, Germany, England,

(40) Aristotle (*Pol.* iii. 14, cited above, p. 91, n. 4) considers the Asiatic nations as naturally slavish, and disposed to submit to a despotic government; in which respect he contrasts them with the Europeans. 'The inaction of the Negroes (says Gibbon) does not seem to be the effect either of their virtue or of their pusillanimity. They indulge, like the rest of mankind, their passions and appetites, and the adjacent tribes are engaged in frequent acts of hostility. But their rude ignorance has never invented any effectual weapons of defence or of destruction; they appear incapable of forming any extensive plans of government or conquest; and the obvious inferiority of their mental faculties has been discovered and abused by the nations of the temperate zone.'—*Decl. and Fall*, c. 25. On the alleged inferiority of the Negro, Hottentot, Australian, and other savage races, see the remarks of Dr. Prichard, *Natural History of Man*, § 2; ed. 1845.

'I am apt to suspect the Negroes to be naturally inferior to the Whites. There scarcely ever was a civilized nation of that complexion, nor even any individual, eminent either in action or speculation. No ingenious manufactures amongst them—no arts, no sciences. On the other hand, the most rude and barbarous of the Whites, such as the ancient Germans—the present Tartars—have still something eminent about them in their valour, form of government, or some other particular. Such a uniform and constant difference could not happen in so many countries and ages, if nature had not made an original distinction between these breeds of men. Not to mention our colonies, there are Negro slaves dispersed all over Europe, of whom none ever discovered any symptoms of ingenuity; though low people, without education, will start up amongst us, and distinguish themselves in every profession. In Jamaica, indeed, they talk of one Negro as a man of parts and learning; but it is likely he is admired for slender accomplishments, like a parrot who speaks a few words plainly.'—Hume, 'On National Characters,' *Essays*, part i. essay 21. Compare the passages on the Negroes cited above, vol. i. p. 140, n. 53.

and the United States—but they have never hitherto shown the capacity for imitating and adopting the European civilization, and for forming an independent civilized community, similar to those of Western Europe. The Negro races which have been reduced to slavery by the Whites have been domesticated rather than civilized.(41)

Hence, in estimating the tendency to progress, the race of mankind to which the given community belongs must be taken into account. It cannot be anticipated that all communities, when brought under the same influences, will make the same advances in civilization. Hitherto, the extension of civilization has been chiefly due to the occupation of new territory by civilized races, and to the expulsion, dispersion, and sometimes ultimate extinction, of the savage tribes. Since the formation of the Roman empire, the boundaries of the civilized world have not been extended by the civilization of the uncivilized races. The Romans conquered Italy,(42) Spain, Gaul, Britain, and parts of central Europe, and gradually introduced their civilization into those countries, without any extensive changes of population, even among the native inhabitants.(43) At a later period, the

(41) 'By maintaining the unity of the human species (says A. v. Humboldt), we at the same time repel the cheerless assumption of superior and inferior races of men.'—*Cosmos*, vol. i. p. 355; Engl. tr. This eminent writer appears, in the passage quoted, to exaggerate the extent of uniformity implied in a common species. It is unquestionable that mankind form one species, in the sense of the natural historian; but it does not follow from this fact that there are no essential hereditary differences, both physical and mental, between different varieties and races of men. The analogy of animal species would make it probable that such essential differences do exist; for we see that, although all horses, dogs, oxen, sheep, &c., form respectively one species, yet each species contains varieties or races, which possess certain properties in different degrees—which are more or less large, active, gentle, intelligent, hardy, and the like. If we are guided by the analogy of animal species, it is as probable that an Englishman should be more intelligent than a Negro, as that a greyhound should be more fleet than a mastiff, or an Arabian horse than a Shetland pony.

(42) οἱ δὲ Ῥωμαῖοι, παραλαβόντες καὶ πεμψάντες ἐποίκους πολλαχοῦ, συνεφύλαξαν καὶ τὰ τῶν προεποικησάντων γένη· καὶ νῦν Ῥωμαῖοι μέν εἰσιν ἅπαντες, οὐδὲν δ'ἧττον Ὄμβροι τέ τινες λέγονται καὶ Τύρρηνοι, καθάπερ Ἕνετοι καὶ Λίγυες καὶ Ἴνσουβροι.—Strab. v. 1. § 10.

(43) 'Il n'y avait guère plus de cinq siècles que la Gaule était tombée au pouvoir des Romains; et déjà il n'y restait plus aucune trace de

Teutonic tribes, which overran the Roman empire, adopted a considerable portion of the civilization, as well as of the language, of the conquered people.(44) The inhabitants of Germany and Scandinavia likewise have, partly by imitation and partly by self-culture, raised themselves to the general level of European progress. The contagion of civilization has been partially caught by Russia, and even Turkey has not quite escaped its influence; but Asia, as a mass, is still unleavened. Its civilization is stationary. The vast Chinese empire, together with Japan, is hermetically sealed against external ideas. Intercourse, however, with civilized foreigners does not, in an Oriental population, ensure progress; for Hindostan, which is subject to English rule, and may be subjected to any intellectual, moral, and religious influence which a government can command, is still as completely Oriental in its culture as on the day when Clive won the battle of Plassy.(45)

On the other hand, when civilization has receded in any country, its retrograde movement has been in general owing rather to the irruption of barbarous races, and to the pernicious influence of the conquest of a nation by a less civilized people,

l'ancienne société Gauloise. La civilisation Romaine a eu cette terrible puissance d'extirper les lois, les mœurs, la langue, la religion nationales, de s'assimiler pleinement ses conquêtes. Toutes les expressions absolues sont exagérées; cependant, à considérer les choses en général, au sixième siècle, tout, en Gaule, était Romain.'—Guizot, *Hist. de la Civilisation en France*, leçon xi. See above, p. 424, n. 28.

(44) See Guizot, *ib.* leçon x., on the influence exercised by the Roman civilization upon the barbarians who conquered the Empire, and the causes of this phenomenon.

(45) Mr. Disraeli, in his recent political work, attributes all the successive evolutions of society to the influence of race: 'The truth is (he says), progress and reaction are but words to mystify the millions. They mean nothing, they are nothing, they are phrases and not facts. All is race. In the structure, the decay, and the development of the various families of man, the vicissitudes of history find their main solution.'—*Lord George Bentinck—a Political Biography*, p. 331. This view, however, as much exaggerates the influence of race in determining civilization, as the view of Humboldt and others—that all races are equal—underrates it. The race of mankind to which a nation belongs is one element in its civilization; but other elements contribute to that result. Civilization is a highly complex problem, which cannot be reduced to the influence of a single cause. Compare the observations of Dr. Prichard, *Nat. Hist. of Man*, § 50.

than to a spontaneous internal decay. The Roman empire contained in its military system the seeds of its own ruin, which even other hands than those of the later emperors could not have averted; but Rome, under Constantine, though less effectively governed, can scarcely be called less civilized than under Augustus or Trajan. When the Huns and Teutonic tribes overran Italy, Gaul, Spain, and Africa—and when, at later periods, the Saracens occupied Syria, Africa, and part of Spain, and the Turks established themselves in Asia Minor and Greece—a more civilized was supplanted by a less civilized people, and civilization in these regions underwent a sudden revulsion, which, in some countries, has been recovered by a subsequent progress—in others, has hitherto produced a permanent deterioration. Similar checks to civilization have been sustained, in consequence of the destruction of new colonies from a civilized mother country by native savages, as in some American settlements. The forcible ejection of the Jesuit missionaries from China and Japan annihilated an element of possible civilization in those countries.

§ 11 It sometimes happens that a change in the proportionate rates of advance in civilization between different countries makes one country appear to have receded, when, in fact, it has merely been outstripped by some other country, which previously had been in its rear. Thus, Italy and Spain may be thought to have retrograded in civilization since the sixteenth century, but this appearance is delusive. Italy and Spain then held a higher rank, as well in political and military matters, as in science, literature, and the arts, with relation to the rest of Europe, than they hold at present. Their moral and intellectual influence over the other independent states of Europe was, therefore, greater then than it is now. But, absolutely, the civilization of Italy and Spain—if we look to the principal elements of social progress—is more advanced now than it was in that century. A modern Spanish army is a more powerful machine than the soldiers of Cortes, or the Great Captain. Italy and Spain, though they may not lead the van of

mercantile enterprise, or guide the opinions of the rest of Europe, share in the general European progress of the useful arts, and the general refinement of manners.

§ 12 It results from the preceding inquiry, that the progress of civilization cannot properly be treated as an abstract problem, applicable to all mankind. The most advanced communities may be compared at two successive epochs, and a judgment may then be formed whether any, and what, progress in the four several elements above noted has taken place. But this progress is confined to certain eminent populations—it is not common to the entire human race. Mankind does not advance by an equable rate of progress. Within any given period, some communities advance rapidly; others advance slowly; others do not advance at all. Again, upon comparing different periods, the rate of progress of the same community, both absolutely and in comparison with others, may be variable. Some communities, moreover, though placed in immediate contact with civilization, have never made any advance, and, therefore (so far as we can judge from experience), must be considered as having no tendency to move beyond their existing state of society. The Oriental nations have risen considerably above barbarism, but their political, religious, and ethical condition has been nearly stationary since the commencement of authentic history. The Hindus, for example, have scarcely improved since the time of Alexander, and the Turkish empire is not, in material respects, more civilized than the ancient Persian monarchy. Babylonia and Asia Minor were more populous, wealthy, and thriving, under Darius and Xerxes than they have ever been under the Porte. With respect to arts they have, however, made some progress, inasmuch as they have learnt the use of fire-arms, and some other modern inventions, from the Europeans. Savage tribes, moreover, remain quite stationary, and show no capacity for advancing even to the Oriental stage of civilization, though the ancient Mexicans and Peruvians, whose society was completely of the Oriental type, were of the same race as the Red Men of North America,

who are in the savage state. We can therefore only say, that though a capacity for progressive improvement is a characteristic of men, as distinguished from animals—and any individual man, if taken at an early age, and subjected to proper influences, is susceptible of cultivation—yet there are communities composed of men of certain races which have hitherto shown little or no aptitude for a common and pervading civilization; and, therefore, if we are to judge from experience, must be considered as having little or no capacity for national or aggregate progress.

The history of civilization cannot be reduced to certain algebraic symbols and impersonal entities, which equally represent all nations. It is impossible, consistently with the positive conditions of the problem, to establish a universal series, of which the successive terms are expressed by abstract ideas. It is impossible, in the history of progress, to eliminate all names of places and men—to exclude all mention of time—and to describe a necessary succession, which shall be common to the entire human race. All history, as we have already shown,(46) is essentially national. It cannot be treated independently of given communities, actually existing at a certain time and in a certain country. It is, indeed, possible to form a continuous series, by tracing the history of progress through the most advanced nations at each successive period of time. But even their history is peculiar, and the changes which they undergo cannot be taken as immutable types of the changes through which all other communities are to pass. Universal history consists of numerous parallel lines, and cannot be confined within a single stream. The contemporary movements of the entire human race cannot be included in one narrative; and those who have professed to find a unity of progress in universal history have attempted a simplification which the subject does not admit.(47)

§ 13 From what has been already said, it follows that the comparison which is sometimes instituted between the progress

(46) Above, ch. ii. § 7.

(47) See above, ch. vii. § 24.

of a community and the life of a man(48) fails in essentials, and is therefore misleading. Both a man and a community, indeed, advance from small beginnings to a state of maturity; but a man has an allotted term of life, and a culminating point from which he descends; whereas a community has no limited course to run—it has no necessary period of decline and decay, similar to the old age of a man; its national existence does not necessarily cease within a certain time. Nations, as compared with other nations, have periods of prosperity and power; but even these periods often ebb and flow, and when a civilized nation loses its pre-eminence—as Italy in the nineteenth, as compared with Italy in the fourteenth and sixteenth centuries—it does

(48) Polybius lays it down that every government resembles a living body, in passing successively through the three natural stages of growth, vigour, and decay: *παντὸς καὶ σώματος καὶ πολιτείας καὶ πράξεως ἐστί τις αὔξησις κατὰ φύσιν, μετὰ δὲ ταύτην ἀκμὴ, κἄπειτα φθίσις*—vi. 52, § 4. Florus, in the introduction to his *History*, adapts the same idea to the Roman history, distributing it into four periods, corresponding with the infancy, youth, manhood, and old age of a man.

'Si quis ergo populum Romanum quasi hominem consideret, totamque ejus ætatem percenseat, ut cœperit, utque adoleverit, ut quasi ad quendam juventæ florem pervenerit, ut postea velut consenuerit, quatuor gradus processusque ejus inveniet.'—i. 1, 4.

Lord Bacon says that 'in the youth of a state, arms do flourish; in the middle age of a state, learning; and then both of them together for a time; in the declining age of a state, mechanical arts and merchandize.'—*Essay on the Vicissitude of Things.*

'On a souvent (says M. C. Comte) comparé un peuple à un individu; on a parlé, en conséquence, de son enfance, de sa jeunesse, de sa maturité, de sa vieillesse, et même de sa taille, et l'on a gravement raisonné sur ces mots comme s'ils représentaient quelque chose.'—*Traité de Législation*, liv. i. ch. 12.

Sulpicius, in a letter addressed to Cicero, inverts this analogy, and derives a topic of consolation for man on account of his mortality, from the spectacle of ruined and decayed cities. After beholding the fallen state of Ægina, Megara, Athens, and Corinth, he says: 'Cœpi egomet mecum sic cogitare—Hem! nos homunculi indignamur, si quis nostrûm interiit aut occisus est, quorum vita brevior esse debet, quum uno loco tot oppidûm cadavera projecta jaceant.'—*Epist. ad Div.* iv. 5. Tasso has expressed the same sentiment in some celebrated verses.

> 'Giace l'alta Cartago, e appena i segni
> Dell' alte sue ruine il lido serba.
> Muoiono le città, muoiono i regni,
> Copre i fasti e le pompe arena ed erba.
> E l'uom d'esser mortal par che si sdegni;
> O nostra mente cupida e superba.'
>
> *Gier. Lib.* cant. xv. st. 20

not necessarily lose its civilization. A political community is renewed by the perpetual succession of its members—new births, immigrations, and new adoptions of citizens, keep the political body in a state of continuous youth. No such process as this takes place in an individual man. If he loses a limb, it is not replaced by a fresh growth. The effects of disease are but partially repaired—all the bodily and mental functions are gradually enfeebled, as life is prolonged, till at last decay inevitably ends in death; whereas a community might, consistently with the laws of human nature, have a duration co-extensive with that of mankind.

The supposed analogy between the existence of a political community and the life of a man seems to have contributed to the formation of the belief in a liability to *corruption*, inherent in every society. It was a favourite doctrine among some writers of the last century,(49) that every civilized community is fated to reach a period of corruption, when its healthy and natural action ceases, and it undergoes some great deterioration. The notion of an inevitable stage of corruption in a nation was, indeed, partly suggested by the commonplaces condemnatory of luxury, derived both from the classical and ecclesiastical writers;(50) and by the more modern eulogies of savage life. So far, however, as it was founded on the inevitable periods of decay in animal and vegetable life, the comparison was delusive; for the two relations which are brought together do not correspond. The death of individuals may, indeed, be considered a necessary condition for the progress of the society, into which they enter as temporary elements.(51) It is by the

(49) See Comte, *Traité de Législation*, liv. iii. c. 16; and the passage of De Lolme, cited above, vol. i. p. 430, note 120.

(50) Concerning luxury, see Spinoza, *Tract. Pol.* c. 10. § 4; Ferguson's *Essay on the History of Civil Society*, part v. sect. 3. The political and moral evils resulting from wealth, luxury, the precious metals, and commerce, are perpetually insisted on, in every variety of form, by the Greek and Roman writers.

(51) See Comte, *Phil. Pos.* tom. iv. p. 635.

substitution of new intelligences, and of natures not hardened to old customs, for minds whose thoughts and habits have learnt to move uniformly in the same groove, that progressive changes in human affairs are effected. The decay and death of the individual, therefore, tends not only to prevent the deterioration of the society, but to promote its improvement.

The best analogy with the growth, maturity, and decay of the human body to be found in the continuous efforts of the successive generations of men, is afforded by the productions of literature and the fine arts. There is not unfrequently a progress from a rude to a polished style of art or composition, as from the early Greek sculptors to Phidias and Lysippus; from the early Florentine painters to Raphael and Correggio; from Thespis to Æschylus; from Ennius to Virgil: and, again, there is a decline from the simplicity and vigour of refinement to feebleness and affectation or exaggeration, as in the transition from Phidias to the later Roman sculpture, from Raphael to Carlo Dolce, from Æschylus to Seneca, from Virgil to Silius and Statius. Productions of the latter sort are sometimes characterized as belonging to a period of debased and corrupt taste. We hear of the golden, the silver, and the iron ages of Latinity; and an Italian purist rejects all words which are not found in writers as old as the sixteenth century. But as we have already remarked, the law of progress for the fine arts is different from the law of progress for those things (such as government and the useful arts) by which civilization is principally characterized.

§ 14 Of the three conceptions of human society—1, that it has, on the whole, degenerated from a primitive type of civilization; 2, that it revolves in certain cyclical periods, and after a while returns to the point from which it started; and, 3, that it is on the whole progressive(52)—the last has prevailed from the time when political philosophy, founded upon experience and historical records, began, and is now more than ever firmly established in

(52) On these theories of a course of history, see Zachariä *Vom Staate*, vol. ii. p. 231.

popular acceptance, though the other views have never been without supporters. The idea of man, as a progressive animal, is indeed clearly contained in the *Prometheus* of Æschylus, which represents popular mythology; and the same idea is worked out in detail, upon philosophic principles, by Lucretius.(53) Plato likewise not only conceived an ideal state, into which he believed that a Greek community might, by a proper preparatory training, be gradually moulded;(54) but he also thought that the ideal laws, when once introduced, might be subsequently improved.(55) As we have already

(53) See the 5th book of Lucretius, from v. 781 to the end. His general views of the progress of society are summed up in the following verses, with which the book concludes:

> 'Navigia, atque agri culturas, mœnia, leges,
> Arma, vias, vestes, et cætera de genere horum
> Præmia, delicias quoque vitæ funditus omnes,
> Carmina, picturas, ac dædala signa, politus
> Usus, et impigræ simul experientia mentis,
> Paullatim docuit pedetentim progredientes.
> Sic unum quicquid paullatim protrahit ætas
> In medium, ratioque in luminis erigit oras.
> Namque alid ex alio clarescere corde videbant
> Artibus, ad summum donec venere cacumen.'

(54) *Leg.* vi. 1.

(55) *Ib.* vi. 14, p. 769. Schleiermacher, indeed, does not admit that Plato holds the doctrine of progress: 'If, (he says,) notwithstanding all guidance, the mass of the people ever continues what it was before—and Plato does not appear to conceive the existence of society upon any other principle, or to have an idea of a progressive improvement comprehending the people—then even, &c.'—*Introductions to the Dialogues of Plato*, p. 387; Eng. transl. M. Comte extends this dictum still further: 'Toute idée de progrès social était nécessairement interdite aux philosophes de l'antiquité, faute d'observations politiques assez complètes et assez étendues. Aucun d'eux, même parmi les plus éminens et les plus judicieux, n'a pu se soustraire à la tendance, alors aussi universelle que spontanée, à considérer directement l'état social contemporain comme radicalement inférieur à celui des temps antérieurs.'—*Cours de Phil. Pos.* tom. iv. p. 230. Aristotle, indeed, seems, in the following passage, which occurs in his criticism upon the *Republic* of Plato, to think that the knowledge of political institutions had reached its utmost limit in his time: *δεῖ δὲ μηδὲ τοῦτο αὐτὸ ἀγνοεῖν, ὅτι χρὴ προσέχειν τῷ πολλῷ χρόνῳ καὶ τοῖς πολλοῖς ἔτεσιν, ἐν οἷς οὐκ ἂν ἔλαθεν εἰ ταῦτα καλῶς εἶχεν· πάντα γὰρ σχέδον εὕρηται μὲν, ἀλλὰ τὰ μὲν οὐ συνῆκται, τοῖς δ'οὐ χρῶνται γινώσκοντες.*—*Pol.* ii. 5. Aristotle, however, does not admit the doctrine of political degeneracy, for he characterises the ancient laws of his country as distinguished by their barbarism and folly, *ib.* c. 8.

'In modern times all moral and political speculation is forward-looking, and is full of anticipations of new discoveries in happiness and knowledge. But the Roman statesmen and philosophers, with their strong practical instincts, took no such comprehensive survey of the destinies of their race. Cicero's writings may, I believe, be searched in vain for a single

seen,[56] the problem which occupied the chief attention of the ancient speculators on politics, was, What is the best form of government? Now this problem, though it may assume the existence of an absolutely best state of things, which precludes ulterior progress, nevertheless implies a capacity of advancement beyond the existing state of society. It may imply a goal, but it also implies a course to the goal.

Plato, however, though his doctrine of an ideally perfect state assumes the existence of a point to which all actually existing communities ought to tend, nevertheless conceives that there is a fixed cycle in which the imperfect constitutions of the Greek states, such as reality exhibited them, were constantly to move. The first form of government in this cycle is his own perfect state, in which one or a few of the wisest and best men rule. This is succeeded by timocracy, in which ambition and the love of distinction predominate: next comes oligarchy, characterized by the love of wealth. The fourth is democracy; which, through its licence, passes into despotism.[57] This Platonic theory of a cyclical revolution of governments was overthrown by the decisive criticism of Aristotle:[58] nevertheless, the general doctrine seems to have retained its currency in antiquity. It recurs in Polybius,[59] though with a different series of the forms of government, and is adopted by Cicero.[60]

expression of reliance on the progressive improvement of mankind.'—Merivale, *Hist. of the Romans under the Empire*, vol. ii. p. 538.

(56) The Corinthian orator, in Thucydides, reminds the Lacedæmonians that it is necessary for them to improve the institutions of their state, in order to keep pace with the latest improvements of their rivals, the Athenians: *νῦν δ', ὅπερ καὶ ἄρτι ἐδηλώσαμεν, ἀρχαιότροπα ὑμῶν τὰ ἐπιτηδεύματα πρὸς αὐτούς ἐστιν. ἀνάγκη δ' ὥσπερ τέχνης ἀεὶ τὰ ἐπιγιγνόμενα κρατεῖν. καὶ ἡσυχαζούσῃ μὲν πόλει τὰ ἀκίνητα νόμιμα ἄριστα, πρὸς πολλὰ δὲ ἀναγκαζομένοις ἰέναι πολλῆς καὶ τῆς ἐπιτεχνήσεως δεῖ.*—i. 71. Political institutions are here likened to the useful arts; concerning which analogy see above, ch. xxii. § 2.

(57) *De Rep.* viii. and ix.; and as to the cyclical tendency of human affairs, viii. 2, p. 546.

(58) *Pol.* v. 12.

(59) See Polyb. vi. 4 & 9. The series of Polybius is as follows: 1, monarchy; 2, royalty; 3, *τυραννὶς* or despotism; 4, aristocracy; 5, oligarchy; 6, democracy; 7, ochlocracy.

(60) 'Id enim ipsum a Platone philosophiâque didiceram, naturales

Machiavel follows Polybius, not only in the general doctrine, but also in the order of the several governments: and he lays it down that if a state was not likely, at moments of weakness, to be attacked by neighbouring states, and reduced to subjection, it would continue to revolve for ever in the same fixed cycle.(61) Similar views, in a modified form, occur in the writings of Bodin,(62) Spinoza,(63) and Sir William Temple;(64) nor, indeed, is it possible (as Mr. Stewart has remarked), to take a retrospect of history, without finding much to countenance the opinion, that the movement of human society resembles rather the tides

esse quasdam conversiones rerum publicarum, ut eæ tum a principibus tenerentur, tum a populis, aliquando a singulis.'—*De Div.* ii. 2.

'Miri sunt orbes et quasi circuitus in rebus publicis commutationum et vicissitudinum: quos cum cognosse sapientis est, tum vero prospicere impendentes in gubernandâ republicâ, moderantem cursum atque in suâ potestate retinentem, magni cujusdam civis et divini pœne est viri.'—*De Rep.* i. 29, cf. ii. 25.

In *Rep.* ii. 29, Cicero boasts that he accounts for the origin of despotic government by the real example of the Roman state, and without the Platonic ideal. But although he adopts the Platonic doctrine of a cycle, he omits to point out that his positive example brings out a different succession from that described by Plato, as the natural law of sequence. In Plato, τυραννὶς, or despotism, follows democracy; in the Roman state, which Cicero takes as his model, it follows the royal form of government.

(61) 'Questo è il cerchio, nel quale girando tutte le repubbliche si sono governate, e si governano ma dato che questo non fosse, sarebbe atta una repubblica a rigirarsi infinito tempo in questi governi.'—*Disc.* i. 2. Compare the introduction to b. ii.

(62) *Method. Hist.* c. 7.

(63) *Tractat. Polit.* c. 8, § 12.

(64) *Works*, vol. ii. p. 43-6, 8vo. Herder wrote against Schlözer's theory of a cycle in human affairs; Wachler, *Gesch. der Hist. Forschung*, vol. ii. p. 803. Lord Bacon mentions the existence of a similar opinion respecting the sciences: 'Itaque existimant esse quosdam scientiarum, per temporum et ætatum mundi revolutiones, fluxus et refluxus; cum aliis temporibus crescant et floreant, aliis declinent et jaceant: ita tamen, ut cum ad certum quendam gradum et statum pervenerint, nil alterius possint.'—*Nov. Org.* i. 92.

Seneca thinks that cyclical recurrence is a general law in human nature, as well as in physics: 'Observa orbem rerum in se remeantium; videbis in hoc mundo nihil extingui, sed vicibus descendere ac resurgere. Æstas abit, sed alter annus illam adducet; hiems cecidit, referent illam sui menses; solem nox obruit, sed ipsam statim dies abiget. Stellarum iste discursus, quidquid præterierit, repetit; pars cœli levatur assidue, pars mergitur.'—*Epist.* 36, § 11. On the doctrine of a cycle in human affairs, see Zachariä *vom Staate*, vol. ii. p. 231.

Lucretius recognises and describes in detail the progressive improvement of men in society, but he thinks that the operations of outward

of the sea, with an alternation of ebbs and flows, than the steady current of a river, deepening and enlarging its course, in proportion as it advances from its source.

"How mournful (he says) are the vicissitudes which history exhibits to us in the course of human affairs; and how little foundation do they afford to our sanguine prospects concerning futurity! If, in those parts of the earth which were formerly inhabited by barbarians, we now see the most splendid exertions of genius, and the happiest forms of civil policy, we behold others which, in ancient times, were the seats of science, of civilization, and of liberty, at present immersed in superstition, and laid waste by despotism. After a short period of civil, of military, and of literary glory, the prospect has changed at once: the career of degeneracy has begun, and has proceeded till it could advance no further; or some unforeseen calamity has occurred, which has obliterated, for a time, all memory of former improvements, and has condemned mankind to retrace, step by step, the same path by which their forefathers had risen to greatness. In a word, on such a retrospective view of human affairs, man appears to be the mere sport of fortune and of accident; or, rather, he appears to be doomed by the condition of his nature to run alternately the career of improvement and of degeneracy; and to realize the beautiful but melancholy fable of Sisyphus, by an eternal renovation of hope and of disappointment."(65)

Men seem, in all ages, to have been forcibly impressed with the difference between the irregularity and apparent capricious-

nature are in a constant state of flux and re-flux, and undergo a series of cyclical changes:

'Mutat enim mundi naturam totius ætas,
Ex alioque alius status excipere omnia debet,
Nec manet ulla sui similis res; omnia migrant,
Omnia commutat natura, et vertere cogit.
Namque aliud putrescit, et ævo debile languet,
Porro aliud concrescit, et e contemptibus exit.
Sic igitur mundi naturam totius ætas
Mutat, et ex alio terram status excipit alter:
Quod potuit, nequeat; possit quod non tulit ante.'

V. 826-34

Compare the passages cited above, vol. i. p. 340.

(65) *Elements of the Philosophy of the Human Mind*, vol. i. ch. 4, § 8.

ness of human affairs, and the steadiness of the great movements of external nature. The succession of the seasons, the alternation of day and night, the revolutions of the astronomical bodies, the annual changes of vegetable life, have always been contrasted with the uncertainty of those phenomena which depend on human volition. The irregularity of the moral has ever been opposed to the regularity of the physical world.(66) Hence the belief in a cyclical movement of political affairs has never become popular. It has been a sort of *via media*, a compromise devised by philosophers, who could not bring themselves to believe in a progressive amelioration of human affairs, but yet wished to establish some law of constant sequence in politics.

Until the experience of many centuries had proved, even to popular apprehension, the progressive improvement of a large part of mankind, a belief in the degeneracy of the present age, as compared with the previous state of the world, seems to have prevailed. Not only was it thought that the men of the existing generation were weaker, of lower stature, and less long-lived than their predecessors, but the social condition of mankind was supposed to have declined from a primitive type of happiness, virtue, and physical well-being. The world had passed from the golden to the iron age: a race of heroes had been superseded by a race of mere men.(67) Discontent with the present lot of

(66) See, for example, the argument of Epicurus against the interference of the gods in human affairs, as reported in Lactantius, together with the answer of the latter, *Div. Inst.* iii. 17. The same view is set forth in harmonious and stately verse in the beginning of Claudian's invective against Rufinus.

(67) Homer describes a double degeneracy in mankind. In the first place, he represents Nestor as saying that the heroes at the time of the Trojan war had degenerated from the heroes who lived when he himself was a young man.—*Iliad*, i. 271. In the next place, he describes the men of his own time as less powerful than the heroes of the time of the Trojan war.—*Ib.* v. 303; xii. 447; xx. 286. Compare Apollon. *Arg.* iii. 1366; Virgil, *Æn.* xii. 899. The latter degeneracy is alluded to by Juvenal:

> 'Nam genus hoc vivo jam decrescebat Homero:
> Terra malos homines nunc educat atque pusillos.'—xv. 69-70.

It was further believed that the generative powers of the earth (like those of a woman) had been enfeebled and exhausted by the lapse of time, and that her products had been more vigorous and robust in the

mankind, and a practical consciousness of its hardships, its perils, and its reverses, combined with the longing after a more tranquil and secure, and less toilsome existence, gave rise to those images

early periods of her operations. This idea is expressed in Lucretius:

'Jamque adeo fracta est ætas, effetaque tellus
Vix animalia parva creat, quæ cuncta creavit
Secla, deditque ferarum ingentia corpora partu.'—ii. 1149-51.

'Quare etiam atque etiam maternum nomen adepta
Terra tenet merito, quoniam genus ipsa creavit
Humanum, atque animal prope certo tempore fudit
Omne, quod in magnis bacchatur montibus passim,
Aeriasque simul volucres variantibus formis.
Sed quia finem aliquam pariendi debet habere,
Destitit, ut mulier, spatio defessa vetusto.'—V. 819-25; cf. 925.

(With respect to the maternal character of the earth, see the Orphic verse cited in Diod. i. 12, *Hymn. Orph.* 40; and the remarks of Cicero, *N. D.* ii. 26.)

Columella, however, as a practical writer on agriculture, rejects this fanciful idea. In the introduction to his second book, *De Re Rusticâ*, he says: 'Nec te ignoro cum et aliorum illustrium scriptorum, tum præcipue Tremellii auctoritatem revereri, qui cum plurima rusticarum rerum præcepta simul eleganter et scite memoriæ prodiderit, videlicet illectus nimio favore priscorum de simili materiâ disserentium, falso credidit parentem omnium Terram, *sicut muliebrem sexum ætate anili jam confectam*, progenerandis esse fetibus inhabilem.' He then proceeds to refute this belief by an appeal to facts.

Seneca mentions the same belief in speaking of the primitive state of mankind: 'Sed quamvis egregia illis vita fuerit, et carens fraude, non fuere sapientes, quando hoc jam in opere maximo nomen est. Non tamen negaverim fuisse alti spiritûs viros, et, ut ita dicam, a diis recentes; neque enim dubium est, quin meliora mundus nondum effetus ediderit.'—*Ep.* 90, § 44. Compare the note of Ruhkopf, vol. iii. p. 159.

The tendency in nature to degeneracy is alluded to by Virgil, in reference to the choice of seeds:

'Vidi lecta diu et multo spectata labore
Degenerare tamen: ni vis humana quotannis
Maxima quæque manu legeret; *sic omnia fatis*
In pejus ruere, et retro sublapsa referri.'—*Georg.* i. 196-200.

Horace compresses into a few words his conception of the progressive degeneracy of mankind:

'Damnosa quid non imminuit dies?
Ætas parentum, pejor avis, tulit
Nos nequiores, mox daturos
Progeniem vitiosiorem.'—*Carm.* iii. 6.

General dicta as to the tendency of human affairs to progressive deterioration also occur in modern writers; thus Ramsay, in his *Voyages de Cyrus*, says: 'Tout dégénère chez les hommes: la sagesse et la vertu ont leurs vicissitudes dans le corps politique, comme la santé et la force dans le corps humain.'—Liv. v. p. 142; ed. 1727.

'The course of human things from good to ill,
From ill to worse, is fatal—never fails:

of a primitive state of happiness, which the popular belief of most nations has accepted.(68) When once such ideal pictures of a golden age were conceived as representing a real and historical state of society, the degeneracy of the subsequent ages of the world became a necessary consequence.

The doctrine of a secular degeneracy has been extended from men to animals, though on distinct grounds. Some modern naturalists, observing that many of the extinct fossil species are of a larger type than the corresponding species now existing in the same regions (for example, the megatherium and the sloth in South America), have propounded the hypothesis of a natural and gradual degeneracy of the one species into the other. Professor Owen, however, accounts for these facts by an hypothesis more in accordance with the known laws of nature. He remarks that large species are more likely to suffer from want of food, and to fall a prey to their enemies, than the smaller species, and therefore were more likely to become extinct. Hence bulky and unwieldy animals, such as the dodo, have perished from the face of the earth, while smaller and nimbler races, requiring less nourishment, and more easily concealed, have been able to perpetuate their kind, and to keep up their numbers. Thus, too, the bear and the wolf have been long since exterminated in the British isles; but smaller noxious mammalia, such as the rat, defy the utmost hostility of man. The theory of a secular degeneracy, applied to animals, appears, therefore, to be not less unfounded than the same theory applied to men.(69)

Increase of power begets increase of wealth;
Wealth, luxury; and luxury, excess;
Excess, the scrofulous and itchy plague,
That seizes first the opulent, descends
To the next rank contagious, and, in time,
Taints downward all the graduated scale
Of order, from the chariot to the plough.'

Cowper's *Task*, book iv.

An hypothesis as to an universal state of primitive civilization, from which the savage tribes are supposed to have degenerated, is expounded in Cooke Taylor's *Natural History of Society*, c. 11-13.

(68) See above, ch. xxi. § 11; xxii. § 20.

(69) 'Finally, with reference to the hypothesis of the German authors and artists of the degeneration of the ancient megatherioids of South

§ 15 Our anticipation that the human race, or, at least, that certain communities of men will be progressive hereafter, is founded on our knowledge, that certain communities have been progressive heretofore.(70) Since the commencement of authentic history, we can trace the steps and means by which this progress has been effected, and can perceive the mental qualities and physical conditions which were necessary for its accomplishment. Man is a self-civilizing animal; he is at the top of the animal scale; and therefore there is not, in the natural series, any being who can raise him by a process of tuition and domestication to a higher state of civilization, when he has reached the greatest elevation among his contemporaries. An Oriental nation might be civilized by European influence—but an European nation must civilize itself, or remain stationary.

America into the modern sloths, the author remarked that the general results of the labours of the anatomist in the restoration of extinct species, viewed in relation to their existing representatives of the different continents and islands, commonly suggested the idea that the races of animals had deteriorated in point of size.'

'The author offered the following suggestions as more applicable to, or explanatory of the phenomena than the theory of transmutation and degradation. He observed, that in proportion to the bulk of an animal is the difficulty of the contest which, as a living being, it has to maintain against the surrounding influences, which are ever tending to dissolve the vital bond, and subjugate the organized matter to the ordinary chemical and physical forces. Any changes, therefore, in the external circumstances in which a species may have been created to exist, will militate against that existence in probably a geometrical ratio to the bulk of such species. If a dry season be gradually prolonged, the large mammal will suffer from the drought sooner than the small one; if such alteration of climate affect the quantity of vegetable food, the bulky herbivore will first feel the effects of the stinted nourishment; if new enemies are introduced, the large and conspicuous quadruped or bird will fall a prey, whilst the smaller species might conceal themselves and escape. Smaller quadrupeds are usually, also, more prolific than larger ones. The actual presence, therefore, of small species of animals, in countries where the larger species of the same natural families formerly existed, is not to be ascribed to any gradual diminution of the size of such larger animals, but is the result of circumstances which may be illustrated by the fable of *The Oak and the Reed;* the small animals have bent and accommodated themselves to changes under which the larger species have succumbed.'—Prof. Owen's *Memoir on the Megatherium,* part ii.—Royal Society, May 6, 1851.

It seems not improbable, that if the whale fishery is carried on with vigour the whale will ultimately become extinct, notwithstanding its marine abode, and the icy seas in which it can take refuge.

(70) On man's aptitude for progress and development, see Herder' *Ideen zur Geschichte der Menschheit,* b. 5 & 15.

We have already remarked that, for political progress, three conditions are necessary—viz., 1, the conception of a better state of things than that which actually exists; 2, the desire to attain it; 3, the choice of apt means for the purpose.(71) The first of these conditions has been examined in connexion with the subject of ideal types: on the two last we will now offer such explanations as are consistent with the object of this treatise.

We may observe, then, that the desire to realize any ideal improvement in politics must, in order to bear fruit, be a legitimate and rational desire; it must be a desire, accompanied with a belief that the object of it is attainable. It must not be like a desire to live without food, or to see without eyes.(72) Among the obstacles to the progress of sciences, Bacon places in the

(71) Above, ch. xxii. § 24.

(72) M. Comte lays it down, that as man advances in civilization, the quantity of food which he consumes diminishes. He considers this law of human nature proved both by experience and by reason. For the former, he appeals to the contrast between savages and civilized men, and between town and country life, as well as between two consecutive generations. For the latter, he appeals to the general tendency of the intellectual and moral faculties to gain an ascendancy over the physical appetites. Nevertheless, it would, he remarks, be a gross error to infer that the time will ever arrive when man can live without food.—*Cours de Phil. Pos.* tom. iv. p. 465. Compare p. 629.

It is unquestionably true, that as a man becomes more refined and polished in his tastes, and as his intellectual and moral assumes a greater superiority over his physical nature, he discards the gross habits of excess in eating and drinking which characterize the less cultivated state of mankind, whether it be the members of a savage tribe, or the uneducated classes of a civilized community. But if we compare the total quantity of food consumed in a savage or barbarous community with that consumed in a civilized country, we shall doubtless find that the share which falls to each individual is greater in the latter, than in the former. The savage oscillates between famine and excess. He has occasional debauches, in which he eats with the unrestrained voracity of an animal; but these, on account of his improvidence, are succeeded by long intervals of want and privation. The state of the civilized man, on account of his superior providence, industry, and knowledge of the arts, is characterized by *equality of supply*. He has a full meal daily; but he does not commit excesses, nor does he suffer from destitution; he has neither too much nor too little. Hence, he is stronger and more long-lived than the savage. The result is, that though he is more temperate in his habits, he eats a greater quantity of food in a year. The same remark would apply, in a less degree, to two successive generations of an advancing civilized community.

M. Comte condemns the exaggerations of the French metaphysical school of the last century, with respect to the unlimited power of education, and the indefinite perfectibility of mankind.—Tom. iii. p. 793; tom. v. p. 745; tom. vi. p. 325.; and see above ch. xxii. § 25.

first rank the despair of improvement, and the belief of its impossibility. This is an error into which, as he truly observes, men of a chastened and severe judgment, whom experience has rendered wary in admitting sanguine anticipations of good, are apt to fall. Hence he cautions the scientific inquirer to exercise a wise scepticism as to his projects, and not to be misled by outward promises of amelioration, which a close scrutiny would show to be hollow. He bids the physical philosopher derive a lesson from civil wisdom, which, upon system, takes a desponding and mistrustful view of human affairs.(73)

The desponding view of human affairs, which Bacon considers as the characteristic of civil wisdom, is a frequent obstacle to practical progress in politics, as well as in physics. While theorists, verging a little upon Utopian boldness, discredit their ideal types by including too much in their schemes of reform, or by departing too widely from the existing state of things; practical statesmen, well versed in public affairs, and accustomed to confront the real difficulties and storms of politics—'viri prudentes et severi—viri graves et judicio præstantes'—sometimes are too hasty in rejecting plans of improvement, and condemn in a lump what contains the seeds of possible amelioration. Faith in the possibility of improvement is a necessary condition for its successful accomplishment; and hence (as we have above remarked) one advantage of real over ideal types.(74) At the same time, it is incumbent on the practical reformer, before he entertains with favour any plan which professes to be a political amelioration, to scrutinize it carefully, according to the methods above indicated for the application of theory to practice, and not to subject himself to the deserved castigation of other practical men, who treat the scheme as the chimera of a mistaken philanthropy.

With respect to the choice of means for plans of political improvement, detailed rules would be out of place in the present treatise. The only precept which seems to be of such general application as to furnish a method for the solution of the prac-

(73) *Nov. Org.* i. 92. (74) Above, ch. xxi. § 8.

tical problem, is a caution both against a froward adherence to existing institutions as such, and a levity in altering and departing from them.(75) In the choice of means for the improvement of an existing institution, it is necessary to keep the past as well as the future steadily in view, and to bear in mind those deductions from the beneficial operation of new measures, which must be made on account of habit, as is explained in a former chapter.(76)

§ 16 The choice of fit means for political amelioration in the most advanced communities—for the ulterior progress of civilization in the most civilized parts of the world—may, so far as it is a political problem, be considered as dividing itself into two great branches—one involving the internal, the other the external relations of the state.

The first of these includes the form of government, the systems of legislation, administration, and judicature; the mode of raising the public revenue, the treatment of religion, education, science and literature, by the state, the regulation of the press, the provision to be made for the internal communications, and all the other subjects belonging to the internal economy of the country, so far as they are within the circle of political interference and control.

The second branch includes all those political questions which arise in regulating the relations of a country with foreign states, whether they be friendly or unfriendly. This class of questions is mainly governed by the extent to be assigned to the exclusive principle of nationality.

Political society, as we have already seen,(77) is essentially national. Mankind, as a whole, is social, but not political. Although man is a social animal, he is not a member of a society including the whole human race. He forms smaller societies,

(75) 'Reperiuntur ingenia alia in admirationem antiquitatis, alia in amorem et amplexum novitatis effusa; pauca vero ejus temperamenti sunt, ut modum tenere possint, quin aut quæ recte posita sunt ab antiquis convellant, aut ea contemnant quæ recte afferuntur a novis.'—Bacon, *Nov. Org.* i. 56.

(76) Ch. xx. § 9.

(77) See above, ch. ii. § 6, 7.

each of which is independent of every other similar society. Space and difficulty of communication are limiting conditions for the exercise of political government. They impose certain bounds upon the extent of area over which the society is spread. The action of every political government is necessarily confined to the sweep of a definite radius, but within that circumference its power is supreme.

Now, a material part of the problem of civilization, so far as it depends on political government, consists in determining how far an independent community ought to be exclusive—how far the national union ought to shut out its members from the wider communion of the human race.

The government of every independent state is uncontrolled within its own territory, and recognises no superior—it excludes all external control. Moreover, it is legally powerless out of its own territory, and beyond those limits it exercises no political authority. An independent state might, therefore, cut itself off from the rest of the world, and act as if its own community contained the whole of mankind. No real state has ever attempted to carry the principle of exclusive nationality to its extreme practical results, but it has been acted on to a large extent. Thus, the Romans identified the *peregrinus* with the *hostis,* and treated every alien as an enemy.([78]) The Spartans expelled foreigners from their state, and prohibited their own citizens from foreign travel.([79]) In our own time, the principle of exclusive nationality is chiefly debated with reference to international trade. The ideal perfection of a commercial state, according to Fichte, is, that all foreign trade should be interdicted. He wishes that, for commercial purposes, the national union should be strictly exclusive, and that in each nation there should be no trade but the home trade.([80]) Practical politicians stop short of this extreme;

(78) See Ward's *History of the Law of Nations,* vol. i. p. 174; Müller-Jochmus, *Geschichte des Völkerrechts im Alterthum* (Leipsig, 1848),p. 138.

(79) Plutarch, *Lycurg.* 27. Compare Müller's *Dorians,* b. iii. ch. i. § 2. Above, ch. xxv. § 2.

(80) For an account of Fichte's ideal commercial state, see above, ch. xxii. § 23.

but it may be observed, that those who object to freedom of foreign trade object, so far as their argument extends, to *all* foreign trade. There is no distinction between trade and free trade—those who condemn freedom of foreign trade wish, in fact, to suppress it altogether, or to reduce it to the narrowest possible limits. They seek to approach to Fichte's ideal as nearly as circumstances will permit.

Another important point, involving the exclusiveness of the political union, is the extension of the system of international leagues and congresses for the maintenance of peace, and for the settlement of disputes between independent states without a recourse to arms. All schemes of national federation must, however, to be really effectual for this purpose, involve a surrender of a portion of the national sovereignty. New obstacles, arising from distance, and the difficulty of communication, then arise. It is conceivable that one state might govern the whole world by means of a system of dependencies—but a federal system, comprehending all nations, would be impracticable.

A customs league (such as the German Zollverein), and treaties of international postage, copyright, and extradition of criminals, afford other instances of an infraction of the principle of national exclusiveness, and of an approximation to the formation of all civilized nations into a combined political system.

These examples will suffice to show the close connexion which subsists between the progress of civilization, and the relaxation of the national principle, so as to render it consistent with a more enlarged principle of association. A further pursuit of this important subject would, however, lie without the bounds of the present Treatise.

Bayerische Staatsbibliothek München

INDEX.

Achenwall, the originator of statistics, i. 72.

Action, human, consists of the outward act and the accompanying mental state, i. 149; the latter cannot be determined by direct observation, i. 150; political, defined, i. 44; consists of alternatives, ii. 310.

Adolphus, Mr., on the authorship of the Waverley Novels, i. 369.

Æschylus, how the historical contents of his Persians and Seven against Thebes are to be determined, i. 249; his conception of a progress of society in the Prometheus, ii. 275, *n.*, 442.

Ætiology, i. 117, 401.

African nations, their characteristics, ii. 106.

Alberoni, Cardinal, on perpetual peace, ii. 287.

Alison, Mr., on the causes of the French Revolution of 1789, i. 337.

Almanacs, ii. 393.

Alphabet, intricate and simple, ii. 104.

Alternative courses in conduct, ii. 317.

Ambiguity of political terms a cause of error in practice, ii. 387.

American writers on politics, i. 72.

Anaxagoras, his physical doctrine, i. 399.

Animals, reasons why they are incapable of political government, i. 17, 35; graduated series of, i. 18; points of difference between all animals and man, i. 19; animals have no language, i. 20; they cannot command or punish, i. 21; they have no humanity, i. 22; their family feelings are very limited, i. 24; they have no idea of death, i. 25; or of religion, i. 28; they have no arts, except for purposes of construction, i. 31; they cannot combine sociability and solitude, i. 33; within what limits they learn by experience, i. 36; the species is unprogressive, *ib.*; ii. 334; influence of domestication, i. 37; solitary animals cannot be domesticated, i. 38, *n.*; pedigrees of, i. 41, 115; they have no history, i. 116; natural history of animals, i. 116, *n.*; their peculiarities attributed to imaginary causes, i. 409; they contract habits, ii. 180; they do not teach or learn from one another, ii. 291; degeneracy of animal species, ii. 448.

Annals, i. 332.

Anthropology, science of, i. 18.

Antiquaries, their assistance to history, i. 295.

Apophthegms, political, ii. 157.

Architecture, not an imitative art, ii. 239.

Argyle, Marquis of, his execution, i. 287, 322.

Ariosto, historical contents of his poem, i. 280.

Aristocracy, how its characteristics are to be traced, ii. 67, 78.

Aristomenes, different accounts of his lifetime, i. 284.

Aristotle, his remark on the degree of precision suitable to each subject, i. 7; cites the Cyclopes as a type of the savage state, i. 10; his explanation why men, and not animals, are capable of political government, i. 17; was the author of the theory of a graduated series of animals, i. 18; on the opposition of law and discretion, i. 27, *n.*; contents of his *Œconomics*, i. 45, *n.*; treats ethics as a department of politics, i. 50; character of his political speculations, i. 63; his doctrine that fiction is more philosophical than truth, i. 250; on the capture of Rome by the Gauls, i. 269; on bodily insults as a cause of the overthrow of Greek despotisms, i. 279; on the legislation of Lycurgus, i. 284; on the causes of Greek seditions, i. 339; on wonder, as the cause of science, i. 400; he wrote on the causes of political institutions, i. 416; on law being a contract, i. 424; his researches on natural history, i. 465; on governments not administered according to law, ii. 51; his *Rhetoric*, ii. 153; on bad political forms being redeemed by the excellencies of the rulers, ii. 170; on the argument from examples, ii. 212; on Hippodamus, ii. 243; on ideal constitutions and laws, ii. 248; on the communist doctrines of Plato, ii. 250; on the vagueness of the Platonic state, ii. 252; plan of his treatise on *Politics*, ii. 254; on virtue being a mean between extremes, ii. 317; on Plato's doctrine of a cycle of governments, ii. 443.

Art, terms of, i. 77, *n.*; its relation to nature, ii. 149; opposed to nature, ii. 282; its difference from practice, ii. 163; art of politics consists of precepts, ii. 155; its precepts and maxims, ii. 157.

Arthur, king, romances relating to, i. 281.

Arts, useful, ii. 151; fine, ii. 142; liberal and illiberal, ii. 143, *n.*; their relation to science, ii. 146, 152; useful arts attributed to false causes, i. 411; they are creative, not imitative, ii. 150; their origin, ii. 411, 414; their progress, ii. 422.

Asiatic nations, ii. 91.

Association, both in men and animals, is confined to a portion of the species, i. 38.

Astronomy is not an experimental science, i. 159; its assistance to history, i. 300; its prophetic powers, ii. 337; its use in politics, ii. 392.

Athens, early history of, i. 260.

Auctor, its meaning, i. 182, *n.*

Augustus Cæsar, how he made the Roman government monarchical, i. 83, 461; ii. 198; he rejected the title of *Dominus*, ii. 62, *n.*

Austin, Mr., on the social compact, i. 430.

Aventures de Jacques Sadeur, ii. 271.

Bacon, Lord, his inquisition into the nature of heat, i. 7; he only touched incidentally on general politics, i. 69; his complaint of the loose observation of facts in physics, i. 143; his distinction of *experimenta lucifera* and *fructifera*, i. 154; how his preference of *experimenta lucifera* to *fructifera* is to be reconciled with his condemnation of a philosophy which bears no fruit, i. 155, *n.*; his use of the word *experiment*, i. 178, *n.*; makes three periods of history, i. 255; on a defective mode of inferring causation, i. 381; on negative instances, i. 381, 384; on inference from a few cases, i. 382; on the knowledge of causes, i. 403; on the signs of longevity, ii. 22; his view of universal jurisprudence, ii. 37; his *axiomata media*, ii. 113, 127, 200; on the means necessary for controlling nature, ii. 136; on custom, ii. 186; on the empiric and dogmatic schools of philosophy, ii. 206; on legal precedents, ii. 215, 216, 218; on the difference between civil institutions and inventions of the useful arts, ii. 221; his *New Atlantis*, ii. 268; on despondency as an obstacle to improvement, ii. 450.

Barbarians opposed to Greeks, ii. 107.
Basileus, use of the term, i. 87, 88.
Bayle on the punishment of animals, i. 22, *n.*
Bees, analogy between honey-making and cookery, ii. 31; their social existence, i. 33.
Bentham, his political speculation, i. 71; on universal jurisprudence, ii. 26, *n.*
Bentivoglio, his historical speeches, i. 239; advice of the Spanish councillors to Philip II., ii. 314.
Berington, Simon, his *Gaudentio di Lucca*, ii. 273.
Best form of government, defined by Aristotle, ii. 254; by Cicero, ii. 258; how far it admits of determination, ii. 301; nature of the problem, ii. 305, 307.
Bias, his saying on political power, i. 43.
Biography, its relation to history, i. 310, 313.
Blackstone, Sir W., on the perfection of the law of England, ii. 227.
Bodin, character of his political writings, i. 67; on the spirit of a government, ii. 170; on a cycle of governments, ii. 444.
Bojardo, historical contents of his poem, i. 280.
Bonnet, on the animal series, i. 18.
Bossuet on the articulate sounds of animals, i. 20.
Botta, his historical speeches, i. 239; his remark on the cause of the fall of Venice, i. 446.
Buffon on the animal series, i. 18.
Buildings, ancient, false causes for, i. 410, 416.

Cæsar, J., his history of the Gallic war, i. 182, 224.
Caligula, his order to the Jews, i. 321; his wish respecting the Roman people, ii. 75.
Callimachus, his *αἴτια*, i. 404.
Calvin on the best form of government, ii. 308.
Campanella, his *Civitas Solis*, ii. 268.
Case, special, ii. 177; unforeseen cases in legislation, i. 472; cases under law, ii. 4; extreme cases, ii. 6.
Casus, its meaning, ii. 4, *n.*
Catholicity of the church, i. 36; ii. 228.
Causation, i. 324; its connexion with moral responsibility, i. 391; general, ii. 20.
Cause, defined, i. 324; positive causes, i. 332; causes in history, i. 333; in general are not single, i. 339; four methods of determining, i. 341; method of agreement, i. 342; method of difference, i. 342, 347; method of residues, i. 356; method of concomitant variations, i. 357; permanent and temporary causes, i. 361; mutuality of cause and effect, i. 375; occasional frustration of causes, i. 386; desire to explore physical causes, i. 398; similar desire with respect to political causes, i. 400; fictitious causes of religious rites, i. 403; of physical appearances, i. 406; of ancient buildings, i. 410; of proper names, i. 412; of proverbs, i. 415; of political institutions, i. 416; hypothetical general, i. 434; special, i. 435; their tendencies, ii. 10; their unforeseen effects, ii. 13; their continuing operation, ii, 15; universal causes, ii. 20.
Censuses of the population, i. 136.
Cessation of effects, ii, 15; cessation of the cause of a law, ii. 18.
Chance, its influence in politics, ii. 395.

Chancellor, changes in the character of the office, i. 90.
Character, national, ii. 108.
Charlemagne, romances relating to, their historical contents, i. 280, 292.
Chronicles, mediæval, i. 323.
Chronology, its relation to history, i. 114; chronology of mythico-historical events, its uncertainty, i. 286.
Cicero, character of his political writings, i. 64; his remark on the countenance, i. 33; cites the proverb respecting the worthlessness of the Carians, i. 164; on the universality of law, ii. 139; on the best form of government, ii. 258; his *Republic*, ii. 259; his *Laws*, ii. 261; argument in the *Republic* on the origin of justice, ii. 283; on a cycle of governments, ii. 443.
L. Cincius Alimentus, his Roman history, i. 259, 266.
Circumstantial evidence, i. 365.
Civilization, history of, i. 304; its origin, ii. 275; progress of civilization, how to be determined, ii. 410, 430; its definition, ii. 41; its progress to be traced in four series, ii. 418; its progress in certain communities, ii. 430; its decline in others, ii. 435; its progress is not constant or universal, ii. 437; its history cannot be reduced to abstract terms, ii. 438; theory of progressive civilization, ii. 441.
Civitas Solis, of Campanella, ii. 268.
Clarendon, Lord, his history, i. 69; chiefly founded on personal knowledge, i. 182; his account of the execution of the Marquis of Argyle, i. 287, 322; his opinion on some hypothetical events on the civil war, i. 444.
Claudius, the emperor, his account of King Servius, i. 267.
Code, religious and civil, characteristic of Oriental and European nations, ii. 96.
Colonel, changes in the powers of the office, i. 89.
Colonial government of England—its form, ii. 64.
Colony, ambiguity of the word, ii. 388.
Common terms made technical, i. 78.
Community, political, i. 9; barbarous, i. 11; entire community—how to be determined, ii. 82; analogy between life of a community and life of a man, ii. 438.
Community of goods, ii. 250, 279.
Communities, three classes of, ii. 90; Oriental and European—their respective characteristics, ii. 91.
Compact, social, i. 426.
Compromises, their frequency in politics, ii. 318.
Comte, M. Auguste, on the difference between men and animals, being a difference of degree, i. 19, *n.*; on suicidal animals, i. 25; on the connexion between the carnivorous appetite of man and war, i. 27, *n.*; on the religious notions of animals, i. 28, *n.*; his views respecting sociology, i. 51, *n.*; his remark on the comparatively slow progress of political science examined, i. 75; on a philosophic law respecting observation, i. 168, *n.*; on the abstract method of historical composition, i. 306, *n.*; on the cultivation of the arts of war, ii. 425, *n.*; on the progressive consumption of food, ii. 450, *n.*
Comte, M. Charles, his description of savage life, ii. 90; subject of his work, ii. 131.
Conditions defined, i. 325; divided into natural and arbitrary, i. 327.
Condorcet, his remark that all savages have an articulate language, i. 21.
Conduct, political, ii. 310.
Conjectural history, ii. 412.
Constitutions, their gradual formation, ii. 190.

Constraint, ii. 323.
Contracts, fictitious, i. 423.
Co-ordinate power, jealousy of, ii. 78.
Copies of manuscript inferior to originals, i. 202; securities for their accuracy, i. 203.
Corruption of a state, ii. 440.
Craig, John, on the weakening of historical evidence by time, i. 197.
Cruelty of Orientals, ii. 101.
Curtius, Q., his account of the deliberations of Alexander, ii. 316.
Custom, how proved, i. 345; two classes of customs, ii. 184; customary law, ii. 188.
Customs' league, ii. 454.
Cuvier, G., on the animal series, i. 18, 19; his remark upon Gmelin's classification of the lamantin and siren, i. 84; considers natural history a science of observation, i. 163.
Cuvier, F., on the comparative intelligence of animals, i. 38, *n.*
Cyclical changes of society, i. 340; ii. 441, 443.
Cyclopes, the type of the savage state, i. 10, 35, 47.
Cylon, attempt of, i. 261.

Dalembert, makes politics a department of ethics, i. 50, *n.*
Deceit, its frequency in politics, i. 147; the physical sciences are comparatively exempt from it, i. 147; its logical nature, i. 373; in legislation, i. 461.
Deductive and inductive methods of reasoning, ii. 128.
De Foe, his skill in narration, i. 118; his *Memoirs of a Cavalier*, and *History of the Plague*, i. 231.
Degeneracy of a state, ii. 441, 446; of animal species, ii. 448.
Deliberative oratory, ii. 312; use of examples in, ii. 213.
Democracy, characterized by M. de Tocqueville, ii. 59; Greek democracies, ii. 62; how its characteristics are to be determined, ii. 67, 78.
Dependencies, government by, ii. 94; copies of the institutions of the imperial state introduced into them, ii. 383.
Description, how distinguished from narrative, i. 119; descriptions of social states in history, i. 301.
Despotism, opposed to a free government, i. 92; how defined by Montesquieu, ii. 50; has been the prevailing government of the human race, ii. 60; its analogy with the dominion over slaves, ii. 62, *n.*; odious to the Greeks, ii. 62; characteristic of Oriental nations, ii. 61, 91.
Despots peculiarly liable to attacks on their person, ii. 73.
Dicæarchus, his political speculations, i. 63; on the characters of Greek cities, ii. 111; on the golden age, ii. 279.
Diodorus on political speeches, i. 230.
Dionysius, on the cause of the Sabine war, i. 334; on the prohibition of legends respecting the gods, by Romulus, ii. 281.
Diplomatics, i. 207.
Disease, men more liable to, than animals, i. 28.
Documents, original, in history, how preserved, i. 201; how far analogous with fossil remains, i. 202; their place of custody is material, i. 202.
Dogmatic sect of physicians, i. 162; ii. 204, 206; distinguished from the empirici, ii. 232.
Dogs, their bark, i. 20, *n.*

Domestication, its effects, i. 37; is only kept up by art, i. 38; increases the varieties of races, ii. 431.

Dominus, use of the word, ii. 62, *n*.

Draco, his legislation, i. 262, *n*; i. 274.

Dramatic literature in the East, ii. 106.

Dress, loose and tight, ii. 103.

Droz, M., his *History of Louis XVI.*, i. 445.

Economists, French, i. 72.

Effects, positive, i. 438; hypothetical treatment of positive effects, i. 442; effects, hypothetical, general, ii. 1; special, ii. 2; hypothetical effects of proposed laws, ii. 2.

Effects of laws, divided into four classes, i. 453; primary and intended, i. 453, 462; secondary and intended, i. 465; contemplated but not desired, i. 468; unforeseen, i. 469.

Empirici in medicine, ii. 204; their method, i. 175.

England, its government, i. 83; how considered by Montesquieu, i. 85, *n*; its kings have not sovereign power, i. 90, *n*; its government properly republican, ii. 63; its form of colonial government, ii. 64; king of, ii. 73.

Ennius, on the date of the foundation of Rome, i. 286.

Ennui, ii. 184.

Enumeration is necessary for the accurate determination of large numbers, i. 134.

Ephors, different accounts respecting them, i. 285.

Ephorus, on the legislation of Lycurgus, i. 284; contents of his work, i. 303, *n*.

Equity, meaning of, i. 472, *n*.

Errors of observation, and their causes, in physics, i. 145; in politics, i. 146; errors of practice in politics, ii. 369.

Erudition and science, how distinguished, i. 122, 297.

Esthetical science, ii. 346; esthetical progress, ii. 426; its difference from scientific progress, ii. 428.

Ethics, analogy with political economy, i. 49; they imply the existence of political government, i. 50; considered by Aristotle a department of politics, *ib.*; their character, ii. 346; their progress, ii. 419.

Euhemerus, his island of Panchaia, ii. 264.

Eunuchs, ii. 102, *n*.

European nations, characterized by free government, ii. 91; by direct government, ii. 94; by an intricate system of international law, ii. 95; by a civil code, ii. 96; by monogamy, ii. 97; by freedom of women, ii. 99; by civil freedom of the entire community, ii. 101; by mildness in the infliction of pain, ii. 101; by a close dress, ii. 103; by a simple alphabet, ii. 104; and by argumentative prose, ii. 105.

Evidence, judicial, i. 127; hearsay evidence, i. 128, 186; original, i. 185; inferiority of hearsay to original evidence, i. 187; causes of its inferiority, i. 188; difference between hearsay evidence for historical and judicial purposes, i. 192; rules of judicial evidence ought to be applied to history, i. 196; evidence is not enfeebled by lapse of time, i. 197; circumstantial variation in, i. 287; external evidence disregarded by the ancient historians, i. 289; circumstantial evidence, its logical nature, i. 365.

Exceptions to a rule—their nature, i. 387.

Exclusive nationality, principle of, ii. 452.

Ex-post-facto legislation, i. 477.

Examples, practical, ii. 209; their use in deliberative oratory, ii. 213.

Executive acts of a government are founded on a knowledge of certain facts, i. 126; duty of executive officers to observe the facts within their inspection, i. 130.

Experiments, admit of being repeated, i. 148; in physics are of two sorts—experiments of science and experiments of art, i. 153; conditions of a scientific experiment, i. 158; all physical sciences do not admit of experiments, i. 160; they are not applicable to the sciences conversant with man, i. 160; partially applicable to animals, i. 161; scientific experiments are not applicable to politics, i. 164, 364; they are compensated by the voluntary information of men, i. 165, 391; by political changes, i. 171; and by abnormal institutions, i. 172; practical experiments can be used in politics, i. 173; and other departments of active life, i. 174; extent of their use in politics, i. 176.

Experimenta fructifera and *lucifera*, i. 154, 155; *fructifera* in politics, i. 172, 178.

Q. Fabius Pictor, his *History of Rome*, i. 259, 265.

Facts, how observed in politics, i. 110; historical facts—how observed, i. 113, 143; difference between historical and physical facts, i. 121, 149; how observed in positive politics, i. 123, 144; in speculative politics, i. 126, 144; and in practical politics, i. 126, 144; analogy between the observation of facts in politics, and in medicine, i. 144; an historical fact consists of two parts, i. 150; imperfect determination of, a cause of practical error, ii. 385.

Failure, political, ii. 409.

Falsification of literary works, i. 209.

Fame, popular, i. 187, 222.

Family, the origin of the state, i. 11; it is peculiar to mankind, i. 24; false origins of celebrated families, i. 414; hereditary character of a family, ii. 110.

Fenelon, his *Télémaque*, its character, i. 231; his ideal descriptions therein of a happy community, ii. 272, 279; and of perpetual peace, ii. 285.

Festivals, false causes of their origin, i. 405.

Fichte, his ideal commercial state, ii. 287, 453.

Fickleness of the multitude, ii. 44.

Fictions of law, i. 421.

Filangieri, his political work, i. 71; its subject, ii. 131.

Force, ii. 323.

Forms of government, characterized by Montesquieu, ii. 52; by Hume, ii. 58; the oriental form of government was monarchical, ii. 61; how their characteristics are to be determined, ii. 67; their importance, ii. 307.

Fraud, i. 147; its logical nature, i. 373.

Freedom of the entire community, ii. 101.

Frontinus, his military work, ii. 213.

Frustration of causes, i. 386.

Gaudentio di Lucca, by S. Berington, ii. 273.

Generations defined, i. 41; distinction between generations of a family and generations of a nation, i. 42.

Geography, its relation to history, i. 144, 300; the ancients introduced geographical descriptions in their histories, i. 298; geographical knowledge obtained incidentally, i, 465; is merely a descriptive science, ii. 333.

Geology, analogy between geological and historical evidence, i. 202, 310.

German writers on politics, i. 72.

Giannone, i. 72.

Gibbon, his definition of the imperial government of Rome, i. 83; his description of Arabia, i. 120; his explanation of the causes of the rapid growth of Christianity, i. 337.

Goguet, on reports of fictitious origins, i. 412; on natural medicine, ii. 150.

Golden age, ii. 228, 274, 304, 446; its perpetual peace, ii. 286, *n.*

Gospels, their faithful preservation in writing, i. 207.

Government, domestic or patriarchal, i. 10; sovereign, i. 12; difference between its existence and its goodness, i. 12; forms of, characterized by Montesquieu, ii. 52; by Hume, ii. 58; how their characteristics are to be determined, ii. 67; mixed government, ii. 76; best form of, ii. 85, 301; formation of new governments, ii. 195; progress of government, ii. 418.

Greeks, opposed to barbarians, ii. 107.

Grote, Mr., on the agrarian law of Lycurgus, ii. 226.

Grotius, character of his political speculations, i. 67, 95; his advice about the study of politics, i. 74; propounds the doctrine of the original conduct, i. 425; on the construction of instruments, ii. 7; on reading history backwards, ii. 413.

Guicciardini, his history, i. 69; his speeches, i. 239.

Guilt implies causation, i. 391.

Guizot, M., on the English political writers, i. 72, *n.*; on the method of treating the history of civilization, i. 307.

Habit, how proved, i. 345; its constant influence in practical politics, ii. 179, 190.

Hall, Bishop, his *Mundus alter et idem*, ii. 270.

Hallam, Mr., on circumstantial variation in testimony, i. 287.

Haller, Albert v., his political romances, ii. 274, *n.*

Harrington, his *Oceana*, i. 69; ii. 269.

Hearsay evidence, i. 128, 186, 192; of two sorts, contemporary and non-contemporary, i. 186; its infidelity, i. 187; its inferiority to original evidence, i. 188; its exclusion from the English courts of law, i. 190; grounds of this exclusion, i. 191; difference between hearsay evidence for historical and for judicial purposes, i. 192.

Hecatæus, i. 289.

Hecatæus of Abdera, his work on the Hyperboreans, ii. 283.

Hellanicus, on the Spartan constitution, i. 284; on the passage of the Sicilians into Sicily, i. 286.

Heraclides Ponticus, on the capture of Rome by the Gauls, i. 269.

Herodotus, his historical character, i. 61, 142; his debate of the Persian conspirators, i. 61, ii. 313; his history abounds with descriptions, i. 119; his anecdote of an experiment by Psammitichus, i. 164; his speeches, i. 232; his dates of early events, i. 276; on Lycurgus, i. 284; his style of narration, i. 299; he assigns fictitious causes of political institutions, i. 416; on the possible fate of some cities, i. 445; his debate of the Persian council, ii. 314.

Henri IV. of France, his plan of perpetual peace, ii. 285.

Hindus, their religious feelings, i. 177; their stationary civilization, ii. 435.

Hippodamus of Miletus, ii. 243.

History, political, i. 54; its character and mode of observing facts, i. 113; it records a connected series of facts, i. 114; which constitute a narrative, i. 117; its analogy to epic and dramatic poems, and to novels—to histories of sciences and arts—to a clinical history, and to a history of the earth, i. 120; history of savages, i. 139; origin of history, i. 140; it ought to be true, i. 181, 222; causes of falsehood in history—viz., personal interest, i. 223; party and national spirit, i. 224; carelessness in investigating the truth, i. 227; its employment for a moral or didactic purpose, i. 230; the introduction into it of fictitious speeches, i. 232; the interpolation of conjectural glosses and theories, i. 243; mythical treatment of history, i. 251; early history of Athens, i. 260; of Lacedæmon, i. 263; early history of Peloponnesian states uncertain, i. 265; histories written after the time, on what evidence they ought to be founded, i. 270; history must be well attested and tried by the law of probability, i. 289; discrimination must be used in the selection of facts, i. 293; the scale of a history depends on its aim, i. 294; its sphere has been enlarged in modern times, i. 298; universal history, its character, i. 302; ii. 438; history of man, i. 303; history of civilization, i. 304; ii. 438; physical history of man, i. 304; abstract, i. 305; ii. 438; mode of registering historical facts, i. 308; its difference from the mode in physics, i. 309; history is a scientific art, i. 312; history must be kept distinct from theory, i. 314; history ought to prove nothing, i. 315; it does not predict, ii. 349; is concerned only with events which cannot be predicted, ii. 363; how early history ought to be investigated, ii. 414; history of progress of civilization, ii. 418, 438.

Historian, contemporary, i. 181; how he forms his history, i. 184; he must exercise discrimination in the selection of facts, i. 293; distinction between the historian and the purveyor to history, i. 295.

Historians, early Greek, i. 61, 258; early Roman, i. 64, 259, 265.

Historical and physical facts, their distinction, i. 120; historical poems and romances, i. 247.

Hobbes, his political writings, i. 69; does not allude to previous writers, i. 74; his doctrine of the social compact, i. 426.

Holberg, Baron v., his *Klimii Iter Subterraneum*, ii. 273.

Homer, preservation of his poems in writing, i. 207; by oral tradition, i. 218; how the historical character of his poems is to be determined, i. 248, 280, 292.

'*Homo homini lupus*,' and '*homo homini deus*,' i. 27, *n*.

Human nature, its uniformity, ii. 38, 139.

Humboldt, Alexander v., on the races of mankind, ii. 434, *n*.

Hume, on the characteristics of forms of government, ii. 58; his remark on Machiavel, ii. 88.

Hypotheses in politics, four classes of, ii. 117; hypotheses may be varied at pleasure, ii. 121; they originate in uncertainty, ii. 122.

Hypothetical causes, general, i. 434; special, i. 435; hypothetical method of investigating past events, i. 442; hypothetical investigation of causes, i. 362, 383, 450; yhpothetical cases, ii. 4.

Iambulus, his account of an imaginary Australian people, ii. 264.

Ideal models, ii. 161, 236; ideal beauty in art, ii. 237; ideal states, ii. 243; ideal state of Hippodamus, *ib.*; of Xenophon, *ib.*; ii. 245; of Plato, ii. 246; of Aristotle, ii. 254; Ideal state of Zeno, ii. 258; ideal states in modern literature, ii. 265.

Imaginary nations in antiquity, ii. 263.
Imperial subjects, ii. 82.
Impracticability of the Platonic state, ii. 256, *n.*
Improvement, what it implies, ii. 288, 418.
Inaccuracy in the use of terms produced by a fear of inelegance, i. 90.
Indian empire of England, i. 177.
Inductive argument, method of, i. 368; ii. 23; number of cases necessary for, i. 377, ii. 22; inductive and deductive methods of reasoning, ii. 130.
Intent, or purpose, of a law, i. 453.
Interest, the chief cause of erroneous observation in politics, i. 146.
International law, a branch of politics, i. 44; positive international law, i. 55; speculative international law, i. 59; treated by Grotius and Puffendorf, i. 67; its technical terms, i. 100; universal principles of, ii. 35; its intricacy in Europe and rudeness in Asia, ii. 95; international leagues, ii. 454; copyright, *ib.*; extradition, *ib.*
Interpretation of laws, i. 455, 474; ii. 3; of treaties, i. 460; strict or liberal, i. 474.
Inventions, mechanical, their effects, i. 470; their origins, i. 411; ii. 414; their history, ii. 422.

Jealousy of co-ordinate power, ii. 78.
Johnson, Dr., on numeration, i. 134; on the records of illiterate nations, i. 139; his *Rasselas*, ii. 272.
Jovius, Paulus, his historical speeches, i. 239.
Jurisprudence, a part of politics, i. 44; universal, co-extensive with positive politics, i. 54, 57, 124; its principles, ii. 27.
Jus gentium, its meaning, i. 67, 95, ii. 29.
Jus naturale, ii. 29.

Kant, on perpetual peace, ii. 287; on the difference between an idea and an ideal, ii. 303.
King, meaning of the word, i. 82, 90; ii. 61, *n.*; it is the title of an office, not the name of a power, i. 86, 101; king of England, ii. 62; meaning of the maxim that he can do no wrong, *ib.*; kings of Athens, i. 272; of Rome, i. 266, 272.
Kingly government preferred by Cicero, ii. 260.
Klimii Iter Subterraneum, by Baron v. Holberg, ii. 273.

Lacedæmon, its government admired by the ancient philosophers, ii. 246; authority for the accounts of its early history, i. 263.
Lactantius, on the faculties of brutes, i. 28.
Laharpe approves of fictitious speeches in history, i. 240.
Lamarck, his theory of the progressive development of species, i. 37, *n.*; ii. 413.
Laplace, on the weakening of historical evidence by time, i. 197.
Law, meaning of the term, i. 81; universal properties of laws, i. 124; effects of laws divided into four classes, i. 453; intent or purpose of a law, i. 454; interpretation of laws, i. 455; difficulty of determining their true intent, i. 456; operative and inoperative, i. 463; intended effects of a law, i. 463; incidental and desired effects of a law, i. 465; incidental effects of a law, foreseen, but not desired, i. 468; unforeseen effects of a law, i. 469; ii. 11; cessation of the cause of a law, ii. 18; unwritten laws, ii. 26.

Law of nature, ii. 33, 133.

Laws of Plato, ii. 246, 252, *n.*

Legal terms, i. 98.

Legislation, proceeds on a knowledge of facts, i. 126; mode of observation for legislative purposes, i. 126, 128; method of legislation, i. 456; temporary and local, i. 174; *ex post facto*, i. 477; science of, ii. 131.

Leibnitz, on the animal series, i. 18.

Leviathan, of Hobbes, i. 69.

Lex, a condition, i. 328, *n.*; applied to physical laws, ii. 34, *n.*

Liberal and illiberal arts, ii. 143, *n.*

Liberty, political, ii. 323.

Life of a community and life of a man compared, ii. 438.

Limited political theories, ii. 88; their application, ii. 112; they may be scientific, ii. 128.

Lipsius, Justus, character of his political writings, i. 67.

Livy, his historical character, i. 64; his speeches, i. 237, 240, *n.*; compares the obscurity caused by distance of space with that caused by distance of time, i. 257; his account of the destruction of the early records of Roman history, i. 265; his discussion of the hypothetical question of the invasion of Italy, by Alexander, i. 442.

Local legislation, its experimental character, i. 174; how it differs from general legislation, ii. 225.

Locke, character of his political writings, 70; he expounds the Whig principles of the Revolution of 1688, *ib.*; does not allude to Hobbes, i. 74; his doctrine of the social compact, i. 427, 429; on universal propositions in politics, ii. 25; his constitution of Carolina, ii. 256, *n.*

Logic, ii. 344.

Lucan, on the causes of the Roman civil law, i. 336.

Lucian, his *True History*, ii. 265.

Lucretius, on physical causes, i. 399; his account of social progress, ii. 442.

Luke, St., i. 183.

Lycurgus, evidence of his legislation, i. 264, 274; his era, i. 286; laws of others attributed to him, i. 293; manner in which his history has been formed, i. 418; his legislation, ii. 226; he proscribed the use of money, ii. 280.

Macaulay, Mr, on the doctrine of the social compact, i. 427; on the constancy of the multitude, ii. 45; on the admiration of antiquity, ii. 229.

Machiavel, his *Principe* and *Discorsi* consist of practical precepts, i. 8, 66; his political speculations, i. 66; his historical speeches, i. 239; on similar effects of opposite causes, i. 365; his discussion of the influence of artillery on the Roman conquests, i. 443; on the faithlessness of mankind, ii. 42; on monarchical governments, ii. 88; on the hereditary character of families, ii. 110; his political maxims, ii. 159; his *Discorsi*, ii. 212; his caution against a middle course, ii. 318; his use of opposite examples, ii. 382; on a cycle of governments, ii. 444.

Mackintosh, Sir James, on the defective language of the moral sciences, i. 79, 97.

Man, a social animal, i. 15, 38; ii. 452; distinguished from the animals by his capacity for political government, i. 17.

Mankind, two conceptions of their original state, ii. 274; primitive state of wildness, ii. 275; golden or Saturnian age, ii. 276; they form one species, ii. 431; divided into races, ii. 432.

Malthus, on human population, i. 30.

Manuscripts, their preservation, i. 205.

Manzoni, on the story of Lucretia, i. 278.

Mariana, i. 69.

Marks, i. 370.

Maxims, political, i. 53; ii. 157; either founded on theory, or apophthegms, i. 59; their modification so as to adapt them to practice, ii. 166; their unsoundness a cause of practical error, ii. 369; their inapplicability a cause of practical error, ii. 376.

Medical science, its prophetic power, ii 336.

Medicine, observation of facts in, compared with observation of facts in politics, i. 144; analogy between practical experiments in medicine and politics, i. 175; between medical and political practice, ii. 403.

Memoirs, how distinguished from history, i. 310.

Memorials, fictitious, of real events, i. 432; of false events, *ib.*

Messenian wars, evidence for the history of, i. 264; uncertainty of their cause, i. 284; and of their date, i. 286.

Metaphysics, ii. 344.

Meteorology, its prophetic powers, ii. 340; its influence in politics, ii. 393.

Method of agreement, i. 342, 353, 374, 381, 384, 391; ii. 66.

Method of concomitant variations, i. 357.

Method of continuous comparison, i. 390.

Method of difference, i. 342, 347, 348, 351, 353, 358, 365, 374, 378.

Method of inverse variation, i. 389.

Method of reasoning, its uses, i. 4.

Method of residues, i. 356, 476.

Mill, Mr. John Stuart, considers political economy a part of social, not of political science, i. 46; his definition of social science, or sociology, i. 51; his definition of causation, i. 324; on the four methods of inductive logic, i. 341, 344, 348, 349, 356, 357; on the neglect of negative instances, i. 382; on the existence of a science of government, ii. 128; on the use of inductive and deductive methods, ii. 130; on the science of legislation, ii. 132.

Mitford, Mr., confounds the domestic and imperial government of Athens, ii. 83.

Mixed government, ii. 76; approved by Cicero, ii. 260.

Models, political, real and ideal, ii. 161; real, ii. 203; difference between real models in politics and in the useful arts, ii. 223; ideal, ii. 236; badness of real models a cause of practical error, ii. 379; misapplication of real models a cause of practical error, ii. 380.

Monarchy, use of the word, i. 82, 85, 92; limited monarchy, i. 82, 83; its confusion with royalty, i. 82, 90; despotic monarchy has been the prevailing government of the human race, ii. 60; how its characteristics are to be determined, ii. 67; ambiguity of the word, ii. 388.

Monogamy, ii. 32; characteristic of European nations, ii. 97.

Montesquieu, character of his political writings, i. 70, 420; ii. 52; does not quote Grotius, i. 74; his use of the word *law*, i. 81; on monarchy, i. 90, *n.*; on the indifference of the orientals about religion, i. 177; on different effects of similar laws, i. 441; his argument on Poland, i. 450;

his division of forms of government, ii. 50; his characteristics of these forms, ii. 52; his description of the Troglodytes, ii. 272; his *Lettres Persanes*, ii. 187, 302.

More, Sir Thomas, his *Utopia*, i. 68; ii. 265; its plan, ii. 266.

Moschus on the antithesis of human and vegetable life, i. 43, *n.*

Motives of a law, i. 454.

Multitude, its fickleness, ii. 44.

Mundus alter et idem, of Bishop Hall, ii. 270.

Muratori, i. 72.

Mure, Col., on the influence of the Greek models in modern literature, i. 443.

Mutuality of cause and effect, i. 375.

Mythical history, i. 141, 251.

Mythico-historical period, i. 255; rules of evidence applicable to it, i. 256; the facts are partly true and partly false, i. 275; difficulty of establishing a criterion between them, i. 276; uncertainty of this period, i. 281; may contain more or less of historical truth, i. 282; its accounts are characterized by inconsistency in material facts, i. 283, 288; its chronology uncertain, i. 286.

Nævius, historical character of his poem on the first Punic war, i. 249.

Napoleon, his *Memoirs of his Campaigns*, i. 224; his plan of universal conquest, ii. 217.

Narrative defined, i. 117; how distinguished from description, i. 119; it implies causation, i. 393; it consists of successive steps, i. 395.

Nation, its meaning, i. 39; nations, how characterized, ii. 90; ii. 452; national character, ii. 108; its causes, ii. 111.

Natural law common to men and animals, i. 16; natural justice or equity, ii. 33; natural history of animals defined, i. 116, *n.*; natural laws, their uncertainty renders political prediction difficult, ii. 392; natural rights, ii. 33.

Nature opposed to institution or law, i. 15; ii. 134; as signifying the order of the universe, ii. 133; law of nature, ii. 33, 133. Nature, human, its uniformity, ii. 38, 139; relation of nature to art and science, ii. 149, 282; state of nature, i. 9; ii. 39; an ideal picture, ii. 281.

Negative instances, their importance, i. 382.

Negroes have no history, i. 140, *n.*; their characteristics, ii. 433.

Nephelococcygia of Aristophanes, ii. 265.

New Atlantis of Bacon, ii. 268.

Newton, Sir Isaac, on the duration of oral tradition, i. 271.

Niebuhr, on an Etruscan account of king Servius, i. 267; on the early ethnological history of Italy, i. 277; on the early constitutional history of Rome, i. 279, *n.*; on the passage of the Sicelians from Italy to Sicily, i. 286.

Nomads, have no fixed territory, i. 39; have no ownership of land, ii. 31.

Nomenclature, in physics, i. 97; in politics, i. 98.

Number of cases necessary for an inductive argument, i. 377.

Observation in the physical sciences is assisted or unassisted, i. 108; in politics all observation is unassisted, i. 109; unassisted observation is active or passive, i. 110; three sorts of political observation, i. 113; observation

for political history, i. 113; for positive politics, i. 123; for speculative politics, i. 125; for practical politics, i. 126; in statistics, i. 132; different from that in positive politics, i. 138; errors of observation in physics and in politics compared, i. 145; observations can be repeated in politics, but not in political history, i. 148; observation in politics is limited to the external act, i. 149; observation is made with reference to some end, i. 152; what are the causes of its difficulty in politics, i. 179; distinguished from experiment, i. 178, *n.*

Oceana of Harrington, i. 69; ii. 269.

Oligarchies, Greek, ii. 62.

Omens, i. 371.

Orators, ancient, published their own speeches, i. 232.

Oratory, deliberative, ii. 312; examples abound in it, ii. 213.

Organon, or instrument of reasoning, its uses, i. 3; origin of the term, i. 4.

Oriental form of government was monarchical, ii. 61; oriental nations characterized by despotism, ii. 91; by government by dependencies, ii. 94; by a rude system of international law, ii. 95; by a religious code, ii. 96; by polygamy, ii. 97; by seclusion of women, ii. 99; by slavery, ii. 101; by cruelty in the infliction of bodily pain, ii. 101; by a loose dress, ii. 103; by an intricate alphabet, ii. 104; and by poetry and mystical prose, ii. 105; rudeness of their military system, ii. 93; their stationary civilization, ii. 437.

Orientals have no continuous history, i. 141.

Origins, laws of evidence respecting, ii. 415, 417.

Ovid, his account of Pythagoras, i. 399; his *Fasti*, i. 404; his *Metamorphoses*, i. 409.

Owen, Professor, on suicidal animals, i. 25, *n.*; on the degeneracy of animal species, ii. 448.

Painting a representative art, ii. 239.

Palætiological sciences, i. 117.

Paley, on circumstantial variations in testimony, i. 286, 321, *note* D; on habit, ii. 180.

Parliamentary terms, i. 29.

Paruta, character of his political writings, i. 67, 95; his discussion of the hypothetical question of an attack on Charles VIII., i. 443.

Pausanias, his account of the Messenian wars, i. 264.

Peace, perpetual, ii. 284; practical plans of, ii. 285.

Penn, William, his plan of perpetual peace, ii. 286.

Pepys, his journal, i. 297.

Phænomenology, i. 117.

Perfect state, schemes of, ii. 296.

Perfectibility of mankind, ii. 294, 450.

Persona moralis, its nature, ii. 75; it characterizes all aristocracies and democracies, ii. 78.

Philology, ii. 345.

Physical appearances attributed to false causes, i. 406; causation in physics, i. 398; ii. 21; physical instead of divine causes, i, 399; prediction in physics, i. 328; its difficulty, ii. 355.

Physical sciences, reasons of their more rapid progress than the moral sciences in modern times, i. 75; their technical terms, i. 77; character of physical facts, i. 121; errors of observation in, i. 145; have no concern with moral

action, i. 151; use the method of experiment, i. 153; some physical sciences do not admit of experiment, i. 159, 451; difference between the mode of recording observations for the physical sciences, and for politics, i. 308; their first cultivation by the ancients, i. 398.

Physics, considered by the Greeks more obscure than politics, ii. 207.

Physiology, human, ii. 335.

Pisistratidæ, their history preserved by oral tradition, i. 260, 266, 270.

Plato cites the Cyclopes as a type of the savage state, i. 10; character of his political speculations, i. 62; on the legislation of Lycurgus, i. 284; speaks of laws as contracts, i. 424; assigns conjectural reasons for the degeneracy of the Persians, i. 417; and for the origin of the Lacedæmonian Syssitia, i. 418; he characterizes the forms of government, ii. 50; his *Republic* and *Laws*, ii. 246; his conception of an ideal state, ii. 248; he proposes the reign of Saturn as a real model, ii. 278; argument in the *Gorgias* on the origin of justice, ii. 283; on the maintenance of peace between the Greek states, ii. 284; his universal principles of government, ii. 28; his views on social progress, ii. 442; his theory of a cycle of governments, ii. 443.

Pliny, on the origins of the useful arts, i. 412.

Plot, peculiar to human affairs, i. 118.

Plutarch, his political writings, i. 64; his remark on the difficulty of arriving at historical truth, i. 227; he disapproves of long speeches in histories, i. 237; his account of Lycurgus, i. 264, 284; his Greek and Roman questions, i. 404; manner in which his lives of Theseus, Lycurgus, Romulus, and Numa, were formed, i. 418; he describes Numa as being both a king and a philosopher, ii. 281.

Poetry and prose, ii. 105.

Political community defined, i. 9; political action defined, i. 44; it consists in the choice of alternatives, ii. 312; political success and failure, ii. 409; political models, real and ideal, ii. 161; their utility, ii. 293; political progress, its nature, ii. 410, 441; conditions for, ii. 292, 449; means of, ii. 452; political body, ii. 78; art, ii. 153; conduct, ii. 310; political societies are of limited extent, ii. 90, 452; political changes are in general gradual, ii. 197; prediction, ii. 327; political philosophy, its three periods, i. 60; its slow progress in modern times, as compared with physics, explained, i. 75.

Political economy, a part of politics, i. 45; it considers man as living in a state of government, i. 47; it includes all economical relations not belonging to domestic economy, i. 48; its technical terms, i. 93.

Politics defined, i. 9; it relates to human action, so far as it concerns the community, i. 44, 52; it includes jurisprudence and international law, i. 44; also political economy, i. 45; four departments of politics, i. 53; its technical language, i. 77; its subject-matter, i. 108; does not admit of scientific experiments, i. 164; admits of practical experiments, i. 173, 176; in what sense an experimental science, i. 178; science of, its existence, ii. 125; practical politics, analogy with a game, ii. 395.

Politics, positive, i. 53; it explains the nature of a government, i. 54; it does not decide on the goodness of a government, i. 55; it deals with conditions of existence, i. 56; it does not lay down maxims, or predict the future, i. 57; ii. 348; its mode of observing facts, i. 123; it has the genuine scientific character, i. 124; observation in, different from that in statistics, i. 138; speculative politics, how far it predicts, ii. 350; practical politics is concerned with prediction, ii. 353; difficulty of prediction in politics, ii. 356; analogies between practical politics and therapeutics, i. 175; ii. 403.

Polyænus, ii. 213.
Polybius, his political doctrine, i. 64; his description of Italy, i. 120; his history, i. 182; his opinion of speeches in history, i. 238; his version of the story of Cocles, i. 278; on the cause of the second Punic war, i. 334; his cycle of governments, ii. 443.
Polygamy, ii. 32; characteristic of Oriental nations, ii. 97.
Pope, on the animal series, i. 18; his description of the state of nature, ii. 279; on forms of government, ii. 307.
Population, limits to animal, i. 30.
Posidonius, on kings in the golden age, ii. 280.
Power, political, universal propositions respecting, ii. 46.
Practical experiments in physics, i. 153; in politics, i. 173; in other departments of human action, i. 174; their use in politics, i. 176.
Practical men, their method of reasoning, i. 176; ii. 204, 232.
Practice, political, its fallibility, ii. 369; its causes, ii. 370; securities against, ii. 390.
Precedents, their nature, ii. 208; their use in deliberative oratory, ii. 213; rules for their application, ii. 215; their relation to theory and general precepts, ii. 232; their badness a cause of practical error, ii. 379; their misapplication a cause of practical error, ii. 380; use of rival precedents, exemplified, ii. 381.
Precepts, their formation from theories, ii. 164, 201; their relation to precedents, ii. 232; their unsoundness, a cause of practical error, ii. 369; their inapplicability a cause of practical error, ii. 376.
Prediction, political, ii. 327; in the physical sciences, ii. 328, 355; difficulty of prediction in politics, ii. 356; is founded on the experience of the past, ii. 358; difficulty of prediction in all affairs of human conduct, ii. 364; also, where natural laws are imperfectly determined, ii. 392.
Prester John, ii. 263.
Principles of human nature, universal, ii. 38.
Printing, its importance for the preservation of historical evidence, i. 204.
Prodigies in history, i. 320, *note* C.
Productive and unproductive labour, ii. 142, *n*.
Propagandism, political, ii. 384.
Presumptions, general, in politics, ii. 41, 84.
Prichard, Dr., on the physical history of man, i. 304; on the idea of a species, ii. 431.
Probability, internal, chiefly regarded by the ancient historians, i. 289; all historical evidence must be tried by this canon, i. 291.
Progress, political, its nature, ii. 410, 441; three conditions for, ii. 292, 449; means of, two classes, ii. 452.
Proper names, false etymologies of, i. 412.
Proverbs, false origins of, i. 415; on national character, ii. 110.
Puffendorf, character of his political writings, i. 67, 95; his doctrine of the social compact, i. 427; on the construction of instruments, ii. 7; on the best form of government, ii. 308.
Punishment, its nature, i. 22; it is peculiar to man, *ib.*
Pyrrhus, his invasion of Italy is the beginning of Roman contemporary history, i. 270.
Pythagoras, his relation to Numa, i. 419.

Quintilian, on the argument from example, ii. 212.

Race, human, does not form one society, i. 40.
Races of men and animals, ii. 431; superior and inferior races of mankind ii. 430; difference in their capacity for civilization, ii. 433; barbarous races, their influence, ii. 435.
Ramsay, Chev., ideal descriptions of society in his *Voyages de Cyrus*, ii. 272.
Rasselas, the Happy Valley, ii. 272.
Rational conduct most easily predicted, ii. 390.
Raumer, F. v., on the Crusades and Reformation, i. 449.
Real states of society idealized, ii. 226.
Reason is a condition for the preservation of the human species, i. 29.
Registration of political facts, i. 53; importance of contemporaneous registration, i. 215.
Religion, its progress, ii. 419.
Reporting of speeches in antiquity, i. 232.
Republic, meaning of the word, i. 82, 85, 92; ii. 63, *n.*; the English government properly republican, ii. 63.
Republic of Plato, ii. 246, 252, *n.*
Responsibility implies causation, i. 391.
Restraint, ii. 323.
Revolution, French, mode of treating its history, i. 448.
Rex, meaning of the word, i. 89.
Rights, natural, ii. 33.
Roman historians, their speeches, i. 237, *n.*
Romans, their history, i. 64, 265; their statistics and jurisprudence, i. 65; ii. 424; different accounts of early Roman history, i. 285; their civilizing influence, ii. 424, 434.
Rome, its capture by the Gauls, i. 269; the type of a perfect state in Cicero, ii. 261.
Rousseau, his political speculations, i. 70; his *Contrat Social*, i. 428; his state of nature, ii. 281, *n.*
Royalty, its confusion with monarchy, i. 82, 90.
Rubino, his views on early Roman history, i. 279, *n.*
Rudeness, primitive, of mankind, ii. 275, 411.

Saint Pierre, Abbé de, his plan of perpetual peace, ii. 286.
Sallust, his historical character, i. 64.
Saturnian age, ii. 276.
Savigny, C. v., on *jus gentium*, ii. 30.
Say, J. B., his definition of political economy, i. 45; he considers political economy as independent of political government, i. 48; his *Olbie*, ii. 274, *n.*
Savages, distinguished from barbarians, i. 12, *n.*; are in general migratory, i. 39; history of a savage community, i. 139; they keep no historical records, *ib.*; their characteristics, ii. 90, 450, *n.*
Science of politics, its existence, ii. 125; there can be a science of things made by man, ii. 126; science of legislation, ii. 131; relation of science to art, ii. 146, 148, 152; to nature, ii. 449; science does not predict, ii. 332; its progress, ii. 422; distinction between scientific and esthetical progress, ii. 488.
Sculpture, a representative art, ii. 239.

Senior, Mr., on division of labour as the origin of society, i. 14; on a special training for the higher departments of government, ii. 400.

Seriman, Zaccaria, his political romance, ii. 274, *n.*

Servius, accounts of his legislation, i. 268 ; laws falsely attributed to him, i. 289.

Sevarambians, History of, ii. 271.

Short-hand writing, i. 234.

Sidney, Algernon, his political speculations, i. 62.

Signs, their logical nature, i. 370 ; two classes, *ib.*

Skill, practical, in politics, ii. 399 ; general and special, ii. 400.

Slavery, ii. 101.

Smith, Adam, his work on political economy, i. 72 ; ii. 153 ; his four maxims of taxation, ii. 160.

Smith, Rev. Sydney, on habits, i. 346 ; ii. 183.

Social science, or sociology, i. 51.

Society, three sorts of, i. 9 *n.* ; savage and barbarous distinguished, i. 12, *n.* ; civil society originates in war, and not in the division of labour, i. 13 ; man is a social animal, i. 15 ; does not extend to the entire species, i. 38 ; political society essentially national, i. 40 ; ii. 452 ; societies, political, their limited extent, ii. 90.

Socrates, character of his political speculations, i. 62 ; on the separation of nature from utility, ii. 138 ; his views respecting a perfect state, ii. 245 ; communist opinions attributed to him by Plato, ii. 250.

Solis, his historical speeches, i. 239.

Solitary animals cannot be domesticated, i. 38, *n.*

Solitude is combined with sociability in man, i. 34.

Solon, accounts of his legislation, i. 261, 274 ; laws falsely attributed to him, i. 289.

Sovereign, use of the word, i. 90 ; sovereign power attributed to the king of England, i. 90, *n.*

Species, meaning of the term, ii. 431 ; varieties of a species, ii. 431.

Speculative politics, i. 53 ; its province, i. 58 ; it inquires into the operation and goodness of governments and laws, *ib.* ; its predictions, ii. 350.

Speeches, in history, i. 232 ; reporting of speeches in antiquity, i. 233 ; fictitious speeches were composed by the ancient historians, i. 235 ; ought to be a true report of words actually used by the speaker, i. 242.

State of nature, i. 9 ; ii. 36 ; an ideal picture, ii. 281.

Spinoza, his political writings, i. 68 ; how he treats the three forms of government, ii. 85 ; on the best form of government, ii. 308 ; his views on a cycle of governments, ii. 444.

Statistical facts, i. 126 ; mode of statistical observation, i. 142 ; its recent use, i. 134 ; difference between observation in statistics and positive politics, i. 138.

Statistics, i. 54 ; originated in Germany, i. 72.

Stewart, Dugald, his remark on Grotius, i. 68 ; commends Montesquieu for not quoting Grotius, i. 74 ; on the vicissitudes of civilization, ii. 445.

Stoics, their definition of economy, i. 45, *n.* ; they did not occupy themselves much with politics, i. 64 ; their doctrine of universal philanthropy, i. 64, *n.*

Storch, his definition of political economy, i. 45 ; his division of political science, ii. 132.

Strabo, on the causes of Egyptian animal worship, i. 405.

Suarez, on the cessation of the cause of a law, ii. 18.

Success, political, i. 463; ii. 409.
Suffrage, direct and indirect, distinguished, ii. 83; universal, ii. 84.
Swift, his Lilliput and Brobdignag, ii. 271.
Syllogism, practical, ii. 165.

Tacitus, his historical character, i. 65; his remark on the phœnix, i. 290; on the love of infamy, i. 348; on hating those whom you have injured, ii. 44; his *Germania*, ii. 230.
Tame, its etymology, i. 37, *n.*
Tarquins, their expulsion, how attested, i. 266, 269, 271, 278.
Tasso, historical character of his *Jerusalem Delivered*, i. 248, 249.
Technical terms, i. 77; ought to be used constantly in the same sense, i. 90, 93; difference between the popular and scientific uses of a term, i. 92; their translation from one language to another, i. 94; influences which untechnicalize them, i. 96; used for legal, parliamentary, and administrative purposes, i. 98-101; ii. 387.
Temple, Sir William, his political speculations, i. 69; on a cycle of governments, ii. 444.
Temporary legislation, its experimental character, i. 174.
Tendencies of causes, i. 384, 386, 442; ii. 10.
Terminology in physics and politics, i. 97.
Terrasson, ideal descriptions of society in his *Sethos*, ii. 272.
Territory, national, how far involved in the idea of a nation, i. 40; connected with sovereignty, ii. 453.
Theophrastus, his political speculations, i. 63.
Theopompus, his collections for his history, i. 183; he attests the capture of Rome by the Gauls, i. 269; his description of two imaginary nations, ii. 265.
Theories, universal, in politics, ii. 25; partial, ii. 87; limitations in partial theories ought to be expressed, ii. 88; application of partial theories, ii. 112; they differ from empirical laws of nature, ii. 114; false theories in politics, ii. 201, 203.
Theorists, political, their practical defects, ii. 193.
Theory, its nature, ii. 149; its conversion into maxims, ii. 163; its application in practice, ii. 164; meaning of the maxim, 'True in theory, and false in practice,' ii. 172; relation to precedent, ii. 232.
Theseus, his consolidation of Attica, i. 262.
Thomson, Mr., on the proof of the authorship of *Junius*, i. 366.
Thou, de, his history, i. 69.
Thucydides, character of his history, i. 61, 142; how he collected his materials, i. 183; his distinction as to hearsay evidence, i. 186; faithful preservation of his work, i. 207; his speeches, i. 232; mode of their composition, i. 234, 241; on the influence of time in rendering events obscure, i. 258; describes the history of Pisistratidæ as preserved by oral tradition, i. 260, 271; his account of the consolidation of Attica by Theseus, i. 262; his dates of events in early Greek history, i. 276, 286; his account of the Trojan war, i. 289; his exclusion of irrelevant matter, i. 299; on the cause of the Trojan war, i. 333; on the cause of the Peloponnesian war, i. 334; on the government of the weak by the strong, ii. 41; his debate on Mytilene, ii. 314.
Tidology, ii. 337, 339.
Titles of office, i. 85, 89; they do not designate any constant aggregate of powers, i. 101; they are often not translated, i. 102; difficulties as to rendering them from one language into another, i. 104; they resemble

proper names, i. 106; in politics the most abstract technical terms are the most ambiguous, i. 107.

Tocqueville, M. de, on the characteristics of democracy, ii. 59, 67.

Tooke, Mr., his history of prices, i. 452.

Torture, its analogy with experiment, i. 169; its inefficiency, *ib.*; was an institution *juris gentium*, ii. 32; frequent in the East, ii. 102.

Tradition, oral, i. 186; its infidelity, i. 188, 216, 317; analogy with the tradition of customs, i. 190; rejected by the protestants, i. 215; is assisted by metre, i. 217; by hieroglyphic symbols, i. 219; by periodical observances and by other mnemonic facts, i. 219; how long it lasts, i. 272; means by which its duration may be extended, *ib.*, i. 275; time alone does not render events uncertain or obscure, i. 199, 257.

Trogus Pompeius, his criticism on Livy and Sallust, for the length of the speeches in their histories, i. 237.

Troy, siege of, its historical character, i. 254; its cause, i. 333.

True history of Lucian, ii. 265.

Type in art, ii. 238.

Τύραννος, *tyrannus*, meaning of the term, i. 88, 95; resemblance of his power to that of a slave-master, ii. 62, *n.*

Tyranny, i. 96.

Twelve tables of Rome, i. 274.

Ulpian, on natural law, i. 16.

Uniformity of human nature, ii. 38, 139.

Universal jurisprudence, i. 54, 57; its principles, ii. 27, 37, 139; universal history, how formed, i. 302; its difference from a history of man and a history of civilization, i. 303; universal principles of international law, ii. 35; universal principles of human nature, ii. 38; universal propositions respecting political power, ii. 46; respecting political forms, ii. 49; universal propositions in politics, ii. 25; in positive politics, *ib.*; universal language, ii. 37; universal weights and measures, *ib.*; universal church, ii. 288.

Unwritten laws, ii. 27.

Utopia (by Sir T. More), its character, i. 68; ii. 265; its description of perpetual peace, ii. 285.

Valerius Maximus, ii. 212.

Vatel, on the construction of instruments, ii. 7.

Vegetius, his maxims of war, ii. 160, 174.

Virgil, on physical causes, i. 399.

Visible and invisible church, ii. 288.

Vivisection of animals, i. 161; of men, i. 162.

Volition, its nature, i. 149; ii. 322.

Volney, on the connexion between liberty and high ground, ii. 112.

Voltaire on prediction, ii. 362.

Ward, Mr., on the universality of international law, ii. 35; on the agreement in recognising the same rules of international law, ii. 116.

Whately, Archbishop, on examples, ii. 210; on political economists, ii. 232.

Whewell, Dr., his remarks on the Baconian method, cited, i. 7; his canons respecting technical language, i. 77; his instances of common terms made technical, i. 78; his aphorism on the appropriation of common terms, i. 80;

his aphorism on the formation of terms so as to enunciate true propositions, i. 84 ; on the precision of scientific terms, i. 92 ; his distinction between terminology and nomenclature, i. 97 ; on palætiological sciences, i. 117.

Will, its nature, i. 149 ; ii. 322 ; difficulty of predicting its operations, ii. 356.

Women, seclusion and freedom of, ii. 99.

Words, written and spoken, difference between, i. 214, *n.*

Wotton, Sir Henry, his definition of an ambassador, ii. 49.

Writing, perpetuates historical evidence, i. 200 ; modes of its preservation in the original, i. 201 ; by copies, i. 204 ; inferiority of copies to originals, i. 205 ; securities for the fidelity of copies, i. 205 ; permanence of writing, i. 212, 221.

Xenophon, character of his *Cyropædia*, as a political work, i. 62, 231 ; mode of its composition, i. 417 ; narrative of the execution of Orontes, i. 118 ; his *Anabasis*, i. 182 ; on the legislation of Lycurgus, i. 284 ; on the effect of a sacrifice to Boreas, i. 349 ; reports a conversation in which laws are called contracts, i. 424 ; is stated to have first used short-hand writing, i. 233, *n.* ; his ideal state represented in the *Cyropædia*, ii. 245 ; his *Cyropædia* represents Greek customs, ii. 262.

Zaleucus, his legislation, i. 274.

Zeno, his political doctrine, i. 63 ; his ideal model of political perfection, ii. 258 ; on art and nature, ii. 282, *n.*

THE END.

ERRATA.

Page 85, notes, last line, for *manent* read *maneat.*
— 88, line 26, for *is applicable* read *as applicable.*
— 95, line 13, the two headings under No. 3 ought to be reversed.
— 144, notes, line 30, for *quoque* read *aliquo.*
— 186, notes, line 9, for *putabant* read *putabunt.*
— 251, note 39, for *τψπος* read *τύπος.*
— 259, notes, line 21, for *quæritur* read *quæreretur.*
— 263, note 72, read *Gulliverianas.*
— 271, note 98, read '*Notes and Queries,*' vol. iii. p. 4, 374.
— 280, notes, line 8, for *admoverit* read *admoverat.*
— 290, line 2, for *docks* read *clocks.*
— 297, notes, line 13, for *du* read *de:* and line 14, for *qui* read *que.*
— 299, line 24, after 'birds,' add (151).
— 411, note 6, for *Savary* read *Javary.*

ERRATA.

Page 66, notes, line [illegible], for [illegible] read [illegible].
— 87, line 23, for [illegible] read [illegible].
— 99, line [illegible], dele the headings under No. [illegible] to be inserted.
— 111, notes, line 26, for [illegible] read [illegible].
— 209, notes, line 3, for [illegible] read [illegible].
— 261, note 32, for [illegible] read [illegible].
— 269, notes, line 22, for [illegible] read [illegible].
— 270, note 72, read [illegible].
— 271, note 96, read "Tales and Quarrels," vol. [illegible] p. [illegible]
— 286, notes, line 6, for [illegible] read [illegible].
— 294, line 4, for [illegible] read [illegible].
— 297, notes, line 12, for [illegible] read [illegible] and line 13, for [illegible] read [illegible].
— [illegible], after [illegible] add [illegible].
— [illegible], note [illegible], for [illegible] read [illegible].

56—
16.48

132

ERRATA

Page 18, notes, line [illegible], for [illegible] read [illegible].
— 22, notes, for is applicable read as applicable.
— 84, 141, 138, &c. the two headings under No. 3 ought to be reversed.
— 144, notes, line 24, for [illegible] read [illegible].
— 188, notes, line 8, for [illegible] read [illegible].
— 201, line 10, for [illegible] read [illegible].
— 257, notes, line 21, for quarter read quarterly.
— 265, note 72, read [illegible].
— 271, note 95, read "Tales and Queries, vol. II, p. [illegible]."
— 286, notes, line 8, for [illegible] read [illegible].
— 299, lin. 4, for shake read slake.
— 307, notes, line 16, for [illegible] read [illegible], and line 14, for [illegible] read [illegible].
— 320, line 10, after "books" add (1751).
— [illegible], note 2, for [illegible] read [illegible].

36—
16.48

132